

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
1934  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 11      NUMBER 1

Washington, Tuesday, January 1, 1946

## The President

### PROCLAMATION 2677

GEORGE WASHINGTON CARVER DAY  
BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA  
A PROCLAMATION

WHEREAS it is fitting that we honor the memory of George Washington Carver who contributed to the expansion of the agricultural economy of the nation through his diligent research as an agricultural chemist; and

WHEREAS by a joint resolution approved December 28, 1945 (Public Law 290, 79th Congress), the Congress has designated January 5, 1946 as George Washington Carver Day and has authorized and requested me "to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on such day":

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon officials of the Government to have the flag of the United States displayed on all Government buildings on January 5, 1946 in commemoration of the achievements of George Washington Carver.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of December, in the year of our Lord nineteen hundred and [SEAL] forty-five and of the Independence of the United States of America the one hundred and seventieth,

HARRY S. TRUMAN

By the President:

DEAN ACHESON,  
Acting Secretary of State.

[F. R. Doc. 45-23163; Filed, Dec. 29, 1945;  
12:31 p. m.]

### EXECUTIVE ORDER 9666

DIRECTING THE RETURN OF THE COAST  
GUARD TO THE TREASURY DEPARTMENT

WHEREAS Executive Order No. 8929 of November 1, 1941 (6 F.R. 5581), directed that from that date and until further orders the Coast Guard should operate as a part of the Navy, subject to the orders of the Secretary of the Navy; and

WHEREAS the need for the operation of the Coast Guard as a part of the Navy no longer exists, its primary mission in operating as a part of the Navy having been accomplished:

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including Title I of the First War Powers Act, 1941 (55 Stat. 838), and as President of the United States, it is hereby directed that on and after January 1, 1946, the Coast Guard shall operate under the Department of the Treasury; and thereupon all authority, powers, and duties conferred upon or vested in the Secretary of the Navy by any law, proclamation or Executive order affecting the Coast Guard, enacted or promulgated during the period the Coast Guard has been operating as a part of the Navy and now in effect, shall, to the extent that they affect the Coast Guard, vest in and be exercised by the Secretary of the Treasury.

This order is subject to the following exceptions, provisions, and conditions:

1. In the interest of expeditious demobilization and other exigencies of the Naval Service, such Coast Guard vessels, facilities, and personnel as the Secretary of the Treasury and the Secretary of the Navy may mutually agree upon shall continue to operate as a part of the Navy, subject to the orders of the Secretary of the Navy, for such additional time beyond January 1, 1946, as the agreement may provide.

2. The Coast Guard shall continue, for such period as may be mutually agree-

(Continued on p. 3)

## CONTENTS

### THE PRESIDENT

PROCLAMATION:	Page
George Washington Carver day.	1
<b>EXECUTIVE ORDERS:</b>	
Civil Service rules, amending subdivision III of Schedule A.....	4
Coast Guard, return to Treasury Department .....	1
Iran, transfer of air-navigation facilities and functions from War Department to Administrator of Civil Aeronautics.....	4
Smaller War Plants Corporation, transfer of functions to Reconstruction Finance Corporation and Department of Commerce (Corrected reprint).....	3
Tennessee National Wildlife Refuge, establishment.....	4
Vessels, harbors, ports and waterfront facilities, revocation of E.O. 9074 directing Secretary of Navy to take action necessary to protect.....	4

### REGULATIONS AND NOTICES

AGRICULTURE DEPARTMENT:	
American cheddar cheese payments; offer in connection with purchase and sale in U. S.....	31
Shortening payment program, 1943; termination of offer...	31
<b>CIVIL AERONAUTICS BOARD:</b>	
Colonial Airlines, Inc., service to Newark, N. J.; hearing.....	40
Limited mechanic certificate with propeller or aircraft appliance rating, extension of effective period.....	31
<b>CIVILIAN PRODUCTION ADMINISTRATION:</b>	
Chemicals, lead (M-384, revocation) .....	33
Delegations of authority:	
Coffee rationing (Supp. Dir. 1-R, revocation) .....	31



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

#### NOTICE

##### 1944 Supplement

The following books of the 1944 Supplement to the Code of Federal Regulations are now available from the Superintendent of Documents, Government Printing Office, at \$3 per copy:

Book 1: Titles 1-10, including Presidential documents in full text.

Book 2: Titles 11-32.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

#### CONTENTS—Continued

CIVILIAN PRODUCTION ADMINISTRATION—Continued.	Page
Delegations of authority—Con.	
Sugar rationing, modified delegation of authority to Office of Price Administration (Supp. Dir. 1-E, revocation)	31
Mining (L-269, revocation)	32
Paper and paperboard (M-241, revocation)	32
Priorities system operation, applicable regulations:	
Coal production, special provisions for assignment of CC ratings to increase (PR 28, Dir. 1)	31
Work stoppages, adjustment of orders, receipts and deliveries in case of (PR 32, Dir. 6)	32
Rubber, synthetic rubber and products (R-1, Am. 1)	32

#### CONTENTS—Continued

CIVIL SERVICE COMMISSION:	Page
Nonclassified positions excepted from examination; receivers of insolvent national banks	4
FARM CREDIT ADMINISTRATION:	
Federal land banks, generally; loan requirements	30
FEDERAL COMMUNICATIONS COMMISSION:	
Hearings, etc.:	
Atlantic Coast Broadcasting Co. (WTMA)	46
Beloit Broadcasting Co.	42
Block, Wm. H., Co., et al.	43
Camden Broadcasting Co.	45
Catalina Broadcasting Co.	46
Chambersburg Broadcasting Co.	45
Cleveland Broadcasting Inc.	49
Columbus Broadcasting Co. (WRBL)	41
Covington News, Inc.	45
Crescent Broadcast Corp.	51
Easley, Robert Lex	45
Ector County Broadcasting Co.	52
Elgin Broadcasting Co.	47
Graham, Walter A.	40
Hazelwood, Inc. (WLOF)	48
Kentucky Broadcasting Co.	50
Klein, William L.	47
Midwest Broadcasting Co.	43
Mission Broadcasting Co.	42
Mt. Vernon Radio and Television Co.	44
Muscogee Broadcasting Co.	41
Newberry Broadcasting Co.	44
Odessa Broadcasting Co.	51
Outlet Co. et al.	43
Patriot Co.	50
Permian Basin Broadcasting Co.	51
Roderick, Derranco D.	52
Scripps-Howard Radio, Inc.	49
Southeastern Broadcasting System	46
United Broadcasting Co. et al.	43
Valdosta Broadcasting Co.	48
Wilson, P. C.	49
Standard and high-frequency broadcast stations; television stations, classification and allocation of frequencies	33
FISH AND WILDLIFE SERVICE:	
Tennessee National Wildlife Refuge, cross reference to order establishing	40
IMMIGRATION AND NATURALIZATION SERVICE:	
Citizens and aliens, inspection, entering from or through contiguous territory; Canadian-born American Indians, exemption from immigration laws	4
INTERSTATE COMMERCE COMMISSION:	
Transportation of explosives and other dangerous articles	33
OFFICE OF PRICE ADMINISTRATION:	
Boxes, industrial wooden (2d Rev. MPR 195, Am. 1 to Order 13)	53
Furniture, wood household (MPR 188, revocation of Order 1052)	53
Maximum average prices, temporary adjustment (SO 108, Am. 2 to Special Order 3)	53

#### CONTENTS—Continued

SECURITIES AND EXCHANGE COMMISSION:	Page
Pennsylvania Power & Light Co., and Susquehanna Gas Co.; hearing	53
STABILIZATION ADMINISTRATOR, OFFICE OF:	
Support prices, subsidies; peanuts, 1946 crop	33
WAR DEPARTMENT:	
Supplies and equipment:	
Procurement:	
Contracts	6
Forms	12
Instructions, general	5
Labor	9
Priorities	12
Purchases:	
Foreign	7
Interbranch and interdepartmental	7
Instructions, miscellaneous	10
Policies, general	5
Renegotiation and price adjustment	12
Property disposition:	
Industrial installations:	
Declaration of surplus; custody and accountability	24
General	22
Leaseholds and improvements on leased land	27
Leases and other disposals by War Department	26
Reporting and disposition of excess and standby installations; custody and accountability	22
Personal property:	
Disposition for purposes directly related to prosecution of war	12
General	12
Non-repairable	14
Reports	21
Serviceable non-military	15
Surplus	16
Termination of contracts:	
Contractor inventory	28
Settlement of prime contract claims	29
Special procedures and reports	30

#### CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncoded tabulation only are not included within the purview of this list.

TITLE 3—THE PRESIDENT:	Page
Chapter I—Proclamations:	
2677	1
Chapter II—Executive orders:	
8929 <sup>1</sup>	1
9004 <sup>2</sup>	4
9074 <sup>3</sup>	4
9665	3
9666	1
9667	4
9668	4
9669	4
9670	4

<sup>1</sup> See E.O. 9666.

<sup>2</sup> See E.O. 9668.

<sup>3</sup> See E.O. 9667.

## CODIFICATION GUIDE—Continued

TITLE 5—ADMINISTRATIVE PERSONNEL:	Page
Chapter I—Civil Service Commission:	
Part 50—Schedule A: Non-classified positions except from examination	4
TITLE 6—AGRICULTURAL CREDIT:	
Chapter I—Farm Credit Administration:	
Part 10—Federal land banks, generally	30
Chapter II—Production and Marketing Administration:	
Part 247—1943 shortening payment program	31
Part 258—American cheddar cheese payments	31
TITLE 8—ALIENS AND NATIONALITY:	
Chapter I—Immigration and Naturalization Service:	
Part 114—Inspection of citizens and aliens entering from or through contiguous territory	4
TITLE 10—ARMY: WAR DEPARTMENT:	
Chapter VIII—Supplies and equipment:	
Part 801—General instructions	5
Part 802—General purchase policies	5
Part 803—Contracts	6
Part 805—Foreign purchase	7
Part 806—Interbranch and interdepartmental purchases	7
Part 809—Labor	9
Part 811—Miscellaneous purchase instructions	10
Part 812—Renegotiation and price adjustment	12
Part 813—Forms of contracts	12
Part 816—Priorities	12
Part 821—General disposition of personal property	12
Part 823—Disposition of personal property for purposes directly related to prosecution of war	12
Part 824—Disposition of non-repairable personal property	14
Part 826—Disposition of serviceable non-military personal property	15
Part 827—Disposal of surplus personal property	16
Part 828—Reports with respect to disposition of personal property	21
Part 830—General disposition of industrial installations	22
Part 832—Reporting and disposition of excess and standby installations; custody and accountability	22
Part 833—Declaration of surplus installations; custody and accountability	24
Part 834—Leases and other disposals by War Department with respect to industrial installations	26
Part 835—Disposition of leaseholds and improvements on leased land	27

## CODIFICATION GUIDE—Continued

TITLE 10—ARMY: WAR DEPARTMENT—Continued.	Page
Chapter VIII—Supplies and equipment—Continued.	
Part 844—Contractor inventory	28
Part 847—Settlement of prime contract claims	29
Part 848—Special procedures and reports	30
TITLE 32—NATIONAL DEFENSE:	
Chapter IX—Civilian Production Administration:	
Part 903—Delegations of authority (2 documents)	31
Part 944—Regulations applicable to operation of priorities system (2 documents)	31, 32
Chapter XVIII—Office of Stabilization Administrator, Office of War Mobilization and Reconversion:	
Part 4003—Support prices: subsidies	33
TITLE 47—TELECOMMUNICATION:	
Chapter I—Federal Communications Commission:	
Part 3—Rules governing standard and high-frequency broadcast stations	33
TITLE 49—TRANSPORTATION AND RAILROADS:	
Chapter I—Interstate Commerce Commission:	
Parts 72-85—Transportation of explosives	33
Part 197—Transportation of explosives and other dangerous articles, motor carrier safety regulations	33
TITLE 50—WILDLIFE:	
Chapter I—Fish and Wildlife Service:	
Part 11—Establishment, etc., of national wildlife refuges	40
able to the Secretary of the Treasury and the Secretary of the Navy, Air-Sea Rescue functions and the maintenance and operation of mid-ocean weather stations and air-sea navigational aids, under the directional control of the Navy; and all vessels, facilities, equipment and supplies required by the Coast Guard in connection with the maintenance and operation of such activities and not required by the Naval Establishment are authorized to be transferred to the jurisdiction of the Department of the Treasury for the use of the Coast Guard.	
3. In the initiation, prosecution, and completion of disciplinary action, including remission and mitigation of punishments for any offense committed by any officer or enlisted man of the Coast Guard, the jurisdiction shall depend upon and be in accordance with the laws and regulations of the department having jurisdiction of the person of such offender at the various stages of such action.	
4. In effecting the transfer herein prescribed no change shall be made until June 30, 1946, in existing methods of appropriation accounting, or in existing methods of disbursement for the Coast	

Guard, which shall continue until that date to be performed as heretofore by officers of the Navy or Coast Guard designated under existing regulations for that purpose. The appropriation accounts of the Coast Guard shall be kept on the general ledgers of the Navy Department until June 30, 1946, after which date they shall be transferred to the Treasury Department.

The said Executive Order No. 8929 of November 1, 1941, is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,

December 28, 1945.

[F. R. Doc. 45-23158; Filed, Dec. 29, 1945; 12:25 p. m.]

## EXECUTIVE ORDER 9665

TRANSFER OF THE FUNCTIONS OF THE SMALLER WAR PLANTS CORPORATION TO THE RECONSTRUCTION FINANCE CORPORATION AND THE DEPARTMENT OF COMMERCE

## Corrected Reprint

By virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941, and as President of the United States, it is hereby ordered as follows:

1. There are transferred to the Reconstruction Finance Corporation all functions of the Smaller War Plants Corporation, hereinafter referred to as the Corporation, under sections 4 (f) and 6 of the act of June 11, 1942, 56 Stat. 351, sections 18 (e) and 18 (f) of the Surplus Property Act of 1944, 58 Stat. 765, and the Contract Settlement Act of 1944, 58 Stat. 649, except sections 20 (g) (1) and 21 (b) thereof and except so much of section 20 (g) (2) thereof as does not provide for making interim loans and guaranties, together with all personnel, property, records, assets, and liabilities of the Corporation except as shall be otherwise determined pursuant to the provisions of sections 2 or 4 hereof. The functions of the board of directors of the Corporation which relate to the functions of the Corporation transferred by this section are transferred to the board of directors of the Reconstruction Finance Corporation.

2. All functions of the Corporation not transferred by section 1 of this order are transferred to the Department of Commerce, and all functions of the board of directors of the Corporation which are not transferred by the said section, together with the functions of the chairman as a member of the Contract Settlement Advisory Board (provided for in section 5 of the Contract Settlement Act of 1944), are transferred to the Secretary of Commerce. Such functions may be performed through such agencies and persons in the Department of Commerce as the Secretary shall designate, and one of such persons may receive a salary at a rate of not more than \$10,000 per annum. There shall be transferred to the Department of Commerce so much of the personnel, property, and records of the Corporation, and of the funds of the Corporation available for administrative expenses, as the Director of the Bureau

of the Budget shall determine to relate primarily to the functions transferred by this section.

3. The board of directors of the Reconstruction Finance Corporation and the Secretary of Commerce shall, respectively, submit the reports required by section 5 of the said act of June 11, 1942, in connection with the functions transferred under sections 1 and 2 of this order; and expenditures in connection with the functions transferred under the said section 1 which may be considered as non-administrative expenses under Public Law 156, 79th Congress, shall be determined by the chairman of the said board or by a person designated by such board.

4. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfers provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

5. All prior regulations, rulings, and other directives relating to any function transferred by this order shall remain in effect except as they are in conflict with this order or are hereafter amended or revoked under proper authority.

6. All provisions of prior Executive orders in conflict with this order are amended accordingly.

7. This order shall be effective as of the opening of business January 28, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,  
December 27, 1945.

[F. R. Doc. 45-22987; Filed, Dec. 27, 1945;  
11:39 a. m.]

#### EXECUTIVE ORDER 9667

REVOKING EXECUTIVE ORDER 9074 OF FEBRUARY, 25, 1942, DIRECTING THE SECRETARY OF THE NAVY TO TAKE ACTION NECESSARY TO PROTECT VESSELS, HARBORS, PORTS AND WATERFRONT FACILITIES

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy, it is ordered that Executive Order 9074 of February 25, 1942, directing the Secretary of the Navy to take action necessary to protect vessels, harbors, ports and waterfront facilities, be, and it is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,  
December 28, 1945

[F. R. Doc. 45-23159; Filed, Dec. 29, 1945;  
12:25 p. m.]

#### EXECUTIVE ORDER 9668

AMENDING SUBDIVISION III OF SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404), paragraph 6 of Subdivision III of Schedule A of the Civil Service Rules is hereby amended to read as follows:

"6. Receivers of insolvent national banks and other financial institutions appointed by the Comptroller of the Cur-

rency with salaries payable from the funds of insolvent institutions, and the employees of such receivers."

HARRY S. TRUMAN

THE WHITE HOUSE,  
December 28, 1945.

[F. R. Doc. 45-23160; Filed, Dec. 29, 1945;  
12:25 p. m.]

#### EXECUTIVE ORDER 9669

TRANSFER OF AIR-NAVIGATION FACILITIES AND FUNCTIONS IN IRAN FROM THE WAR DEPARTMENT TO THE ADMINISTRATOR OF CIVIL AERONAUTICS

By virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941 (55 Stat. 838), and as President of the United States, it is hereby ordered as follows:

There are transferred from the War Department to the Administrator of Civil Aeronautics, Department of Commerce, (1) all air-navigation, air-traffic-control, airways-communications, and meteorological facilities of the United States necessary to the operation of civil aircraft of the United States in international air commerce at Tehran, Abadan, and Jask, Iran, (2) all other property of the United States located at the site of any of the said facilities, including housing, other structures, equipment, and vehicles, necessary to the operation and maintenance of such facilities, (3) all functions of operation and maintenance of such facilities, and (4) so much of the funds available or to be made available for the use of the War Department in the operation and maintenance of such facilities as the Director of the Bureau of the Budget shall determine to relate to the said functions. This order shall become effective on January 1, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,  
December 28, 1945.

[F. R. Doc. 45-23161; Filed, Dec. 29, 1945;  
12:25 p. m.]

#### EXECUTIVE ORDER 9670

ESTABLISHING THE TENNESSEE NATIONAL WILDLIFE REFUGE

WHEREAS on November 29, 1945, the Tennessee Valley Authority and the United States Department of the Interior entered into an agreement providing for the transfer by the Authority to the Department of certain rights with respect to the lands therein designated and described in the counties of Henry, Benton, Humphreys, and Decatur, Tennessee, so that such lands might be reserved and used as a wildlife refuge, in accordance with the terms and conditions of the agreement and subject to my approval of the agreement and my establishment of the contemplated refuge; and

WHEREAS I have this day approved the said agreement between the Tennessee Valley Authority and the United States Department of the Interior; and

WHEREAS it appears that the establishment of the wildlife refuge contemplated by the agreement will further the purposes of the Migratory Bird Conser-

vation Act (45 Stat. 1222) and is in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby reserve and set apart for the use of the Department of the Interior as a refuge and wildlife management area for migratory birds and other wildlife the lands designated and described for that purpose in the said agreement of November 29, 1945, between the Tennessee Valley Authority and the United States Department of the Interior, such reservation to be in accordance with, and subject to, the terms and conditions of the said agreement.

This reservation shall be known as the Tennessee National Wildlife Refuge.

HARRY S. TRUMAN

THE WHITE HOUSE,  
December 28, 1945.

[F. R. Doc. 45-23162; Filed, Dec. 29, 1945;  
12:25 p. m.]

### Regulations

#### TITLE 5—ADMINISTRATIVE PERSONNEL

##### Chapter I—Civil Service Commission

PART 50—SCHEDULE A: NONCLASSIFIED POSITIONS EXCEPTED FROM EXAMINATIONS UNDER § 2.3 (b)

RECEIVERS OF INSOLVENT NATIONAL BANKS

CROSS REFERENCE: For revision of § 50.3 (f) see Executive Order 9668, *supra*.

#### TITLE 8—ALIENS AND NATIONALITY Chapter I—Immigration and Naturalization Service

PART 114—INSPECTION OF CITIZENS AND ALIENS ENTERING FROM OR THROUGH CONTIGUOUS TERRITORY

CANADIAN-BORN AMERICAN INDIANS; EXEMPTION FROM IMMIGRATION LAWS

NOVEMBER 26, 1945.

Section 114.6, Title 8, Chapter I, Code of Federal Regulations is hereby amended to read as follows:

§ 114.6 *Canadian-born American Indians; exemption from immigration laws.* Aliens who are American Indians born in Canada (exclusive of persons whose membership in Indian tribes or families is created by adoption) shall be permitted to enter the United States without inspection under any provision of the immigration laws other than section 2 of the act of September 27, 1944 (58 Stat. 746; 8 U.S.C. 136 (d) (1)). (45 Stat. 401; 8 U.S.C. 226a)

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U.S.C. 102, 222, 458; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., Ch. IV); 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,  
Commissioner of  
Immigration and Naturalization.

Approved: December 27, 1945.

HAROLD JUDSON,  
Acting Attorney General.

[F. R. Doc. 45-23134; Filed, Dec. 28, 1945;  
4:52 p. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

## Chapter VIII—Supplies and Equipment

[Procurement Regs. 1-3, 5-7A, 9, 11-13, 16]

## MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 801-803, inclusive, 805, 806, 809, 811-813, inclusive, 816, 821, 823, 824, 826-828, inclusive, 830, 832-835, inclusive, are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated September 5, 1942 (9 F.R. 8363<sup>1</sup>) as amended by Change 53, December 15, 1945, the particular regulations being Nos. 1-3, 5-7A, 9 and 11-13.

In section numbers the figure to the right of the decimal point corresponds with the respective paragraph numbers in the procurement regulations.

[SEAL] EDWARD F. WITSELL,  
Major General,  
Acting The Adjutant General.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195; the First War Powers Act, 1941, 55 Stat. 838, 50 U.S.C. Supp., 601-622; and the Contract Settlement Act of 1944, 58 Stat. 649.

## Subchapter A—Procurement

[Procurement Reg. 1]

## PART 801—GENERAL INSTRUCTIONS

## SUBPART A—INTRODUCTION

Section 801.105a is amended to read as follows:

§ 801.105a *Reference to units the designation of which has since been changed, or which have been abolished and their functions transferred to other units.* (a) From time to time, the designation of various units referred to in these regulations has been changed since the issuance of the particular regulation or revision in which they are referred to, or such units have been abolished and their functions transferred to other units. It has generally been found impractical to make an immediate revision of the regulations to reflect such changes. The appropriate changes, however, are made in these regulations (except in the case of direct quotations) as occasion arises to reprint pages for other reasons. In the meantime, references to any such units should be read as if these regulations had been amended in accordance with such changes.

(b) Among such changes, particular attention is directed to the following, affecting the units named in italics below:

(1) *Services of Supply.* Section I of General Orders No. 14, W. D., dated March 12, 1943, provides that "The name of Services of Supply is changed to Army Service Forces"; and ASF Circular No. 30, dated May 15, 1943, provides in part that "The services heretofore designated as 'supply services' will hereafter be known as 'technical services'".

(2) *War Food Administration.* Executive Order 9577, dated June 29, 1945, and effective at the close of business on June 30, 1945, terminated the War Food Administration, and transferred the functions, duties and powers of the War

Food Administrator to the Secretary of Agriculture.

(3) *Defense Plant Corporation; Metals Reserve Company; Rubber Reserve Company; Defense Supplies Corporation.* By Joint Resolution of Congress (Public Law 109—79th Congress), approved June 30, 1945, and effective on July 1, 1945, Defense Plant Corporation, Metals Reserve Company, Rubber Reserve Company and Defense Supplies Corporation were dissolved, and their assets and liabilities were transferred to Reconstruction Finance Corporation, of which they had been subsidiaries.

(4) *Production Division; Purchases Division.* ASF Circular No. 329, dated August 31, 1945, provides in part that "Effective September 31, 1945, the Production and Purchases Division is established under the jurisdiction of the Director of Matériel to consist of the former Production Division and the former Purchases Division"; and the authority previously granted to the Director, Purchases Division, has been delegated to the Director, Production and Purchases Division (See § 801.107-6).

(5) *Legal Branch, Office of the Director of Matériel.* War Department Circular No. 273, dated September 10, 1945, establishes the Office of Procurement Judge Advocate, and prescribes his authority and duties; and Section III of ASF Circular No. 345, 1945, dated September 13, 1945, provides in part that "The staff of the Legal Branch, Office of the Director of Matériel, is transferred to the Office of the Procurement Judge Advocate, and the positions of Legal Assistant to the Director of Matériel, Chief, Legal Branch, Office of the Director of Matériel, and of Legal Adviser to the Readjustment and Renegotiation Divisions, and the Legal Branch, Office of the Director of Matériel, are abolished".

(6) *Surplus Property Board.* By Public Law 181—79th Congress, approved September 18, 1945, and effective October 1, 1945, there was established in the Office of War Mobilization and Reconversion a Surplus Property Administration to be headed by a Surplus Property Administrator; and the Surplus Property Board was abolished and all of its functions transferred to the Surplus Property Administrator.

(7) *War Production Board.* By Executive Order 9638, dated October 4, 1945, and effective as of the close of business on November 3, 1945, all functions and powers of the War Production Board were transferred to the Civilian Production Administration established by that order in the Office for Emergency Management of the Executive Office of the President, and the War Production Board was terminated.

## SUBPART B—DISTRIBUTION OF PROCUREMENT REGULATIONS

1. Paragraph (c) of § 801.106-2 is amended to read as follows:

§ 801.106-2 *Distribution to military establishments of Procurement Regulation No. 7 and Joint Termination Regulation (PR 15) in separate form.* \* \* \*

(c) The Joint Termination Regulation (PR 15) and changes thereto, in separate loose-leaf form, are distributed through the Readjustment Distribution Center, 90 Church Street, New York 7,

New York. Requests for the Joint Termination Regulation and changes thereto, in separate form, should be addressed and forwarded to that office and not to the address mentioned in § 801.106-1 (a).

2. Paragraph (b) of § 801.106-3 is amended to read as follows:

§ 801.106-3 *Availability of Procurement Regulations to private concerns.* \* \* \*

(b) The Joint Termination Regulation (PR 15) and changes thereto, in separate loose-leaf form, are available in limited quantities, free of charge, to war contractors and allied organizations from the Readjustment Distribution Center, 90 Church Street, New York 7, New York. A mailing list is maintained by that office for the forwarding of future changes.

[Procurement Reg. 2]

## PART 802—GENERAL PURCHASE POLICIES

## SUBPART B—CONTRACT PLACEMENT

1. Section 802.222-2 is revoked, as follows:

§ 802.222-2 *Suggested methods for minimizing contract commitments or increasing flexibility of production rates.* [Revoked]

2. In § 802.222-4 the second sentence is amended to read as follows:

§ 802.222-4 *Short term contracts.* \* \* \* Long term commitments may be necessary where, for example, the supplies to be procured are distinctively military items and involve long range development. \* \* \*

4. In § 802.222-5 the last sentence is amended to read as follows:

§ 802.222-5 *Short term commitments with options of renewal.* \* \* \* The techniques of price redetermination and price revision (see Subpart H of Part 803 of this chapter) should be availed of where possible.

## SUBPART C—CONTRACT PRICE POLICIES

1. Section 802.232-2 is amended to read as follows:

§ 802.232-2 *Use forbidden; exceptions.* For the foregoing reasons supply contracts, except as authorized by this section, will not be made on a cost-plus-a-fixed-fee basis. Subject to the approval of the Director, Production and Purchases Division, Headquarters, Army Service Forces, where required by §§ 803.306-1 and 803.306-4 of this subchapter, the cost-plus-a-fixed-fee form may be used for contracts which in substance provide for the payment of a management fee for the operation of Government-owned facilities; contracts of a service character such as modification center and airline contracts; research, experimental and development contracts; and contracts for first production quantities of articles not previously produced (subsequent quantities of such articles will be procured on a fixed price basis). Such contracts will be placed on a fixed price basis whenever, in the judgment of the chief of the technical service, it is practicable to do so. Utilization of the price adjustment articles authorized by §§ 803.375 and 803.376 of this subchapter should aid materially in negotiating a

<sup>1</sup> See also 10 F.R. 10449, 11418, 13171.

fixed price for research and development work.

2. Section 802.239a is added, as follows:

§ 802.239a *Research and development contracts.* In a research and development contract, including supply contracts within the definition of § 811.1116-1 of this subchapter, the patent rights which the Government is to receive shall be determined in accordance with the policies stated in § 811.1116 of this subchapter. It is essential that contracting officers pay only for the work to be performed and the patent rights acquired under the terms of the contract and that they employ every safeguard to assure that the pricing of research and development contracts shall be such as not to make payment for any patent rights not so acquired. The following rules will be observed in pricing such a contract or in revising the prices under any price revision article of such a contract (see for example §§ 803.375 and 803.376 of this subchapter):

(a) *License under foreground patents.* If under § 811.1116 of this subchapter it is determined that the Government is to receive only a royalty-free license under inventions conceived or first actually reduced to practice in the performance of the contract (hereinafter called "foreground patents"), the price to be paid by the Government will be limited to the reasonably estimated current costs of performance of the work and a reasonable profit thereon. In no event may there be included as an element of cost (1) expenses incurred by the contractor for establishing, developing or maintaining a research organization during any period prior to the placement of the contract (including any preliminary instrument), or (2) compensation for contractor's know-how acquired prior to the date of the contract.

(b) *License under background patents accompanied by a license under, or acquisition of title to, foreground patents.* If under § 811.1116 of this subchapter it is determined to be desirable for the Government to acquire a royalty-free license under patents owned by a prospective contractor (hereinafter called "background patents"), efforts will be made during the negotiations to include in the contract a provision for such a license in order to avoid the payment of royalties or damages should the items thereafter be produced by or for the Government. In no event, however, shall more than a nominal amount be paid for the license under background patents. In acquiring such a license for the Government upon the payment of no more than a nominal amount therefor, competition among qualified contractors should be sought. In determining whether the Government is entitled to a license under background patents for a nominal payment the following advantages to the contractor should be taken into account, bearing in mind that the value of such advantages varies according to the facts and circumstances of each case and that they are in addition to the payments referred to in paragraph (a) above:

(1) A new research objective or idea;

(2) Possibility of exploring fields too speculative, in many cases, to be undertaken commercially;

(3) Access to the knowledge and experience of Government personnel in connection with the experiments or tests required by the contract, and frequently the direct aid and assistance of Government personnel furnished to the contractor;

(4) Use of or access to Government facilities for testing new developments in connection with the contract;

(5) Immunity from risk of patent infringement in performance of the contract to the extent authorized by § 811.1117 of this subchapter. Such protection may open to the contractor a valuable opportunity for the acquisition by him of the experience of others without risk of patent infringement;

(6) Except in cases referred to in § 811.1116-11 of this subchapter, retention of title to any foreground patents, subject only to a royalty-free license to the Government.

(c) *Title to foreground patents.* In the limited class of cases where title to foreground patents must be acquired by the Government (§ 811.1116-11 of this subchapter) the price to be paid should ordinarily be that described in paragraph (a) above. Where a contract cannot be placed upon such a basis, before any work is started under the proposed contract the proposal must be approved by the Director, Production and Purchases Division. The differential in price, if any, should be held to a minimum, and in the negotiations the benefits recited in paragraph (b) above should be pointed out to keep the cost of acquiring title to a minimum. In cases where it is not required but where it is merely considered desirable to acquire title to the foreground patents under the provisions of a research and development contract, no more than nominal amount shall be included in the contract price for the acquisition of title.

(d) *Acquisition of rights to known inventions under § 811.1115 of this subchapter.* Nothing contained herein shall preclude the acquisition of licenses, releases or assignments pursuant to the provisions of § 811.1115 of this subchapter, or limit the prices to be paid therefor.

#### PART 803—CONTRACTS

##### SUBPART B—AUTHORITY TO MAKE AWARDS, CONTRACTS, AND MODIFICATIONS THEREOF; REQUIRED APPROVALS

1. In § 803.304-1 (c) three items are added to the list under the heading "Army Air Forces", as follows:

§ 803.304-1 *Standard forms of contract.* \* \* \*

(c) \* \* \*

*Army Air Forces:*

Contract for Packing and Crating of Household Goods and Authorized Baggage.

Contract for Meals—Invitation, Bid and Acceptance.

Contract for Shoe Repair Services—Invitation, Bid and Acceptance.

2. Section 803.305-2 is amended to read as follows:

§ 803.305-2 *Awards requiring the approval of Director, Production and Pur-*

*chases Division.* (a) The following awards must be submitted for approval to the Director, Production and Purchases Division, Headquarters, Army Service Forces:

(1) Awards of contracts (other than Architect-Engineer, Management or similar contracts) involving a price of \$500,000 or more, and awards of supplemental agreements and change orders which have the effect of increasing the price of contracts (other than Architect-Engineer, Management or similar contracts) by \$500,000 or more.

(2) Awards of Architect-Engineer, Management or similar contracts when the construction contracts to which they relate involve a price of \$500,000 or more, and awards of supplemental agreements and change orders affecting Architect-Engineer, Management or similar contracts when the changes being concurrently made in the construction contracts to which they relate have the effect of increasing the price of the construction contracts by \$500,000 or more.

(b) Neither preliminary contractual agreements, such as letters of intent, letter orders and letter purchase orders, nor letters of commitment (see §§ 802.222-7 and 813.1328 of this subchapter) are required to be submitted to the Director, Production and Purchases Division, for approval pursuant to the provisions of paragraph (a) above, regardless of the amount of funds obligated thereunder or the estimated cost of the proposed procurement. However, approval of the award of a final definitive contract, involving conversion of a preliminary contractual agreement or the use of materials or components acquired pursuant to a letter of commitment, will be obtained if required by paragraph (a) above.

3. Paragraph (c) is added to § 803.306-1, as follows:

§ 803.306-1 *Authority of technical services to make contracts.* \* \* \*

(c) In the case of cost-plus-a-fixed-fee-contracts, the contract complies with paragraph (a) or (b) and in addition is one for research, experimental or development work of an estimated cost of \$200,000 or less which may properly be placed on a cost-plus-a-fixed-fee basis under §§ 802.232-2 and 802.232-3 of this subchapter. All other contracts placed on a cost-plus-a-fixed-fee basis will be made subject to the prior written approval of the Director, Production and Purchases Division, Headquarters, Army Service Forces.

4. In § 803.306-5 paragraphs (b) and (d) are revoked and paragraphs (c) and (e) are redesignated (b) and (c), respectively.

##### SUBPART H—MANDATORY AND OPTIONAL CONTRACT PROVISIONS

1. In § 803.375-2 paragraph (b) is amended to read as follows:

§ 803.375-2 *Conditions for use.* \* \* \*

(b) The price initially fixed in the contract should bear a reasonable relationship to the expected final price thereunder. In negotiating the initial price the requirements of § 802.239a of this subchapter will be observed.

2. In § 803.375-3 paragraph (b) is amended to read as follows:

§ 803.375-3 *Rules for administration.* \* \* \*

(b) The Contracting Officer should make such use and verification of the cost data as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include an examination and audit of the contractor's books and records. In negotiating the revised price the requirements of § 802.239a of this subchapter will be observed.

3. Paragraph (d) of § 803.376-2 is amended to read as follows:

§ 803.376-2 *Conditions for use.* \* \* \*

(d) The contract price shall be as close as the circumstances of the particular procurement will permit. The maximum price will bear a reasonable relationship to the initial contract price in the light of the predictability of costs. In negotiating the contract price and the maximum price the requirements of § 802.239a of this subchapter will be observed.

4. In § 803.376-3 paragraph (b) is amended to read as follows:

§ 803.376-3 *Rules for administration.* \* \* \*

(b) The contracting officer should make such use and verification of the cost data submitted by the contractor

as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include the examination and audit of the contractor's books and record. In negotiating the revised price the requirements of § 802.239a of this subchapter will be observed.

**SUBPART I—TERMINATION OF FIXED-PRICE (LUMP SUM) CONTRACTS UPON DEFAULT OF CONTRACTOR**

Section 803.379 is amended to read as follows:

§ 803.379 *Steps to be taken in event of default by contractor.* If the case is not governed by the uniform termination article (see § 803.324 (g) (1)), the contracting officer may:

(a) Terminate the contract under any provision thereof permitting termination in event of default, in accordance with §§ 803.380a to 803.380a-7, inclusive, preserving the Government's rights against any surety, or

(b) Permit the contractor to proceed and charge contractor with damages in accordance with § 803.352a and subparagraphs f, g, i, j, of paragraph 5, AR 35-6040, preserving the Government's rights against any surety, or

(c) Enter into supplemental agreement with contractor's surety for completion of contract, preserving the Government's rights against contractor.

[Procurement Reg. 5]

**PART 805—FOREIGN PURCHASE**

Section 805.509-9 is amended to read as follows:

§ 805.509-9 *Purchases in Canadian Northwest.* (a) In the future, contracts with suppliers, domiciled in the Dominion of Canada, for the purchase of materials, machinery, machine tools, and equipment necessary for the maintenance, repair, and operation of War Department projects in the Canadian Northwest, including the Alaska Military Highway and associated projects, will be made direct with the Supplier without reference to the Department of Munitions and Supply.

(b) Subsistence items will be purchased after approval of 3 months estimates by the Department of Munitions and Supply, Ottawa, Canada.

[Procurement Reg. 6]

**PART 806—INTERBRANCH AND INTERDEPARTMENTAL PURCHASES**

**SUBPART B—INTERBRANCH PROCUREMENT**

The table in § 806.605d is amended to read as follows:

§ 806.605d *Indefinite quantity contracts executed by the Office of the Quartermaster General.* \* \* \*

**INDEFINITE QUANTITY CONTRACTS EXECUTED BY OFFICE OF QUARTERMASTER GENERAL**

Supply bulletin No.	Date	Commodity	Contract period	Contract symbol No.	Contractor	Area serviced	Applicability
10-87..... Change No. 1.	June 1945..... 25 August 1945.	Books.....	Fiscal year 1946..	See Supply Bulletin No. 10-87.		Continental United States and its possessions.	General utilization by the War Department except the Medical Corps.
10-246.....	3 August 1945.....	Compressed yeast..	Fiscal year 1946..	W 11-009-qm-48937.	Federal Yeast Corp., Colgate Creek-Highlandtown, P. O., Baltimore, Md.	3rd Service Command..	All branches of the War Department.
				W 11-009-qm-48935.	National Grain Yeast Corp., Belleville, N. J.	1st Service Command..	
				W 11-009-qm-48939.	Standard Brands, Inc., 595 Madison Ave., N. Y., N. Y.	4th, 8th, and 9th Service Commands.	
				W 11-009-qm-48936.	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	2nd and 7th Service Commands and Military District of Washington.	
				W 11-009-qm-48938.	Red Star Yeast & Products Co., 221 E. Buffalo St., Milwaukee, Wis.	5th and 6th Service Commands.	
10-96..... Change No. 1.	May 1945..... 20 August 1945.	Paper rolls, for cash registers.	Fiscal year 1946..	W 28-021-qm-35735.	The National Cash Register Co., Main and K Sts., Dayton, Ohio.	See Supply Bulletin No. 10-96.	All posts, camps and stations.
	June 1945.....	Oil, engine, greases and gear lubricants. <sup>1</sup>	1 July 1945 to 31 December 1945.	W 44-109-qm-610...	The Texas Co.....	Continental United States, exclusive of Arizona, California, Illinois, Maryland, Massachusetts, New Jersey, North Dakota, Oregon, Pennsylvania, Vermont and Washington.	All War Department activities within continental United States (not including Alaska) for domestic consumption, exclusive of maneuvers ordered by Army Ground Force Headquarters.
				W 44-109-qm-611...	Shell Oil Co. Inc. of California.	California, Oregon and Washington.	
				W 44-109-qm-612...	Shell Oil Co. Inc. of New York.	Illinois.....	
				W 44-109-qm-613...	Atlantic Refining Co..	Maryland, Massachusetts, New Jersey, and Pennsylvania.	

<sup>1</sup>The basic contracts for greases and gear lubricants are contracts of Treasury Department, Procurement Division.

## INDEFINITE QUANTITY CONTRACTS EXECUTED BY OFFICE OF QUARTERMASTER GENERAL—Continued

Supply bulletin No.	Date	Commodity	Contract period	Contract symbol No.	Contractor	Area serviced	Applicability
10-244.....	1 August 1945.....	Malt.....	1 July 1945 to 31 December 1945.	W 11-009-qm-48954.	Malt-Diastase Company, Wyckoff Ave. & Decatur St., Brooklyn, N. Y.	1st, 2nd and 3rd Service Commands; Military District of Washington.	All branches of the War Department.
				W 11-009-qm-48951.	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	4th Service Command..	
				W 11-009-qm-48952.	Birk Bros. Brewing Co., Webster and Wayne Sts., Chicago, Ill.	6th Service Command..	
				W 11-009-qm-48953.	Standard Brands, Inc., War Prod. & Supply Dept., 595 Madison Ave., New York, N. Y.	5th, 7th, 8th, and 9th Service Commands.	
10-193.....	20 August 1945.....	Ink, duplicating machine, black 1-lb. cans. <sup>2</sup>	1 September 1945 to 31 December 1945.	W 28-021-qm-43663.	Howard Flint Ink Co., Clark Ave. & M. C. R. R. Detroit 9, Mich.	See Supply Bulletin No. 10-193.	All branches of the War Department.

<sup>2</sup> It is expected that the Ink, duplicating machine contract, and Change No. 1 thereto, will be extended to 30 June 1946.

## SUBPART C—INTERDEPARTMENTAL PURCHASES

1. Section 806.606-7 is amended to read as follows:

§ 806.606-7 *Mandatory schedules.* The following is a list of the classes of the General Schedule of Supplies which are mandatory by the terms of the schedules on the field services of the War Department:

Description of item	Schedule of supplies	Period	Description of item	Schedule of supplies	Period
Explosives and blasting accessories.	4, Supp. No. 1.....	July 1 to December 31, 1944 (extended to December 31, 1945).	Floor and window coverings...	27, Revised.....	October 1, 1945, to September 30, 1946.
Gasoline: Tank wagon and drum deliveries, tank-car, transport-truck and marine deliveries.	7 and Supps., Regions 1 to 6, incl.	July 1, 1945, to June 30, 1946.	Books (including Encyclopedia Britannica).	35.....	December 1, 1945, to November 30, 1946.
Fuel Oil: Tank-wagon and drum deliveries, tank-car, transport-truck, and marine deliveries.	7 and 14 and Supps., Regions 1 to 6, incl.	July 1, 1945, to June 30, 1946.	Machine tools (only the following items: 40-M-9-100, and 40-P-22 to 40-P-37, incl.).	40.....	September 1, 1945 to August 31, 1946.
Gasoline diesel oil and lubricating oil, service-station deliveries.	7 and 14.....	July 1, 1945, to June 30, 1946.	Woodworking saws.....	40.....	July 1, 1945, to June 30, 1946.
Tire chains.....	8.....	July 1, 1945, to June 30, 1946.	Solvents.....	51.....	July 1, 1945, to June 30, 1946.
Motor-vehicle accessories, etc., item 8-C-5400 (clutch facings) only.	8 and 66.....	July 1, 1945, to June 30, 1946.	Paper drinking cups.....	53.....	July 1, 1944, to June 30, 1945 (extended to June 30, 1946).
Automotive storage batteries (except Bowers Battery Co.).	17, Supp. No. 2, Revised.	March 16 to September 15, 1945 (extended to March 15, 1946).	Office equipment.....	54.....	July 1, 1944, to June 30, 1945 (extended to June 30, 1946).
Telephones and parts.....	17, Supp. No. 6, Revised.	March 1 to August 31, 1944 (extended to February 28, 1946).	Offset duplicating supplies, etc.	54.....	July 1, 1945, to June 30, 1946.
Electric lamps.....	17, Supp. No. 3.....	September 1, 1944, to August 31, 1945 (extended to August 31, 1946).	Typewriters.....	54.....	July 1, 1945, to June 30, 1946.
Wood furniture.....	26, Part I.....	January 1 to December 31, 1945.	Portable drinking fountains.....	63.....	March 1, 1945, to February 28, 1946.
Steel furniture.....	26, Part II, Revised...	January 1 to December 31, 1942 (extended to December 31, 1945.).	Feed and forage (Applicable to certain D. C. installations only).	67.....	October 1, 1945, to January 31, 1946.
Steel insulated filing cabinets..	26, Part II, Supp. No. 1.	July 1 to December 31, 1943 (extended to December 31, 1945).	See (Applicable to certain D. C. installations only).	67.....	November 20, 1945, to November 19, 1946.
			Airplane tires and tubes.....	83, Revised.....	April 24 to June 30, 1942 (extended to March 31, 1946).
			Consolidated public utilities contracts in Baltimore, Md.; New York, N. Y.; and Philadelphia, Pa.	101 (electric service); 105 (gas service).	Effective December 1, 1944, and thereafter until further notice.
			Slide film prints.....	103.....	February 1, 1945, to January 31, 1946.
			Recording and transcription service.	103, Supp. No. 2, Revised.	September 1, 1944, to August 31, 1945 (extended to February 28, 1946).

NOTE: (1) Some of the schedules listed above are mandatory only upon some of the activities of the War Department. In case of doubt as to whether it is mandatory that a particular item be procured under a schedule, the schedule itself should be consulted and provisions of the schedule should be regarded as controlling.  
(2) Attention is called to the provisions of paragraph 1187 et seq., as to restrictions concerning local purchases and the purchases of restricted or prohibited items. Such restriction apply to items, even though they may be listed on the General Schedule of Supplies.

2. Section 806.606a-2 is amended to read as follows:

§ 806.606a-2 *Stock catalogs of warehouse and supply centers.* Stock catalogs are issued by each regional and district warehouse and supply center, listing articles regularly carried by it in stock and available for issue by it. Such catalogs may be obtained from the appropriate Regional and District Offices, Treasury Department, Procurement Division. The addresses of such regional and district offices are as follows:

## REGIONAL OFFICE ADDRESS

Region I: Park Square Building, Boston 16, Massachusetts.

Region II: 50 Church Street, New York 7, New York.

Region III: Proc. Div., Treas. Dept., 7th & D Sts. SW, Washington 25, D. C.

Region IV: 4th Floor, Huron Sixth Bldg., 626 Huron Road, Cleveland 15, Ohio.

Region V: 226 West Jackson Boulevard, Chicago 6, Illinois.

Region VI: Belle Isle Building, 105 Pryor Street NE, Atlanta 3, Georgia.

Region VII: 8th Floor, Transportation Bldg., 110 West 5th St., P. O. Box 1407, Fort Worth 2, Texas.

Region VIII: 2605 Walnut Street, Kansas City 8, Missouri.

Region IX: 1030 15th Street, 7th Floor, Denver 2, Colorado.

Region X: 30 Van Ness Avenue, San Francisco 2, California.

Region XI: 2028 Eighth Avenue, Seattle 1, Washington.

District office address: 1206 South Maple Avenue, Los Angeles 15, California.

546 Broad Street Station Bldg., Philadelphia 3, Pennsylvania.

3. Section 806.608-3 is amended to read as follows:

§ 806.608-3 *General clearance.* The following communication from Federal Prison Industries, Inc., originally issued under date of June 1, 1945, and since amended (such amendment being incorporated in the copy set forth below), indicates not only those items which are available and must accordingly be purchased from it, but also the items as to

which general clearance has been granted:

THE UNDER SECRETARY OF WAR  
Washington, D. C.

DEAR SIR:

Subject to applicable conservation and limitation orders, the following articles and services are available and can be furnished by Federal Prison Industries, Inc., from industries established under the Act of Congress approved May 27, 1930, (46 Stat. 391):

Brooms.  
Brushes: As listed in Schedule of Products.  
Canvas goods: Shell covers, canvas covers, tarpaulins, truck covers, truck curtains, barracks bags, shower curtains, miscellaneous bags, bandoleers.  
Camouflage nets.  
Cargo nets.  
Castings: Manhole frames and covers, grates, grate bars, and gutter drains for delivery in Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, West Virginia, Virginia, Kentucky and the District of Columbia.  
Cots: Folding canvas.  
Cotton canvas articles.  
Cotton duck, drill and ticking.  
Dehydrated fruits and vegetables.  
Fibre furniture.  
Glove-shells, leather and glove inserts, wool.  
Laboratory animals: Chinchilla rabbits, guinea pigs.  
Laundry services required by posts and stations within 100 miles of the Federal Correctional Institution, Tallahassee, Florida, the U. S. Penitentiary, Alcatraz, California, the Federal Detention Headquarters, New York City, the Federal Reformatory for Women, Alderson, West Virginia, and the U. S. Penitentiary, Terre Haute, Indiana.  
Mattresses: Cotton felt.  
Metal products: Storage shelving, transfer cases, lockers, food trays, sputum cups, iron berths, bunks and hospital beds.  
Milk: 1,000 lbs. per day for delivery to Fort Bliss, Texas, only.  
Printing: See Section 610.9 Army Procurement Regulations No. 6.  
Wooden chests and wooden settees.  
Wood furniture and specialties: Desk trays; costumers; striking tool handles as listed in Fed. Spec. NN-H-93, Grade A only.

#### CLEARANCE

C-26980

1. Clearance is granted to purchase from other sources articles manufactured or services rendered by Federal Prison Industries, Inc., not listed above.
2. Clearance is granted to purchase from other sources articles manufactured or services rendered by Federal Prison Industries, Inc., including the items listed above, in the following cases:
  - (a) By contractors or contracting officers under cost-plus-a-fixed-fee construction or supply contracts;
  - (b) By contracting officers under fixed-price (lump sum) construction or supply contracts, wherein the Government is required to furnish certain Government materials;
  - (c) When immediate delivery or performance is required by the public exigency;
  - (d) When suitable second hand or used articles can be procured;
  - (e) When required in small quantities and for delivery within ten days.

3. This clearance is to cover purchases made by the War Department only, and is effective for the period July 1 to December 31, 1945, inclusive.

4. Copy of this clearance should be attached to your contract or voucher when transmitted to the General Accounting Office,

No. 1—2

or reference made thereon to this clearance number.

Very truly yours,

FEDERAL PRISON INDUSTRIES,  
INC.,

By (Signed) A. H. CONNER,  
Associate Commissioner.

4. Section 806.610-5 is amended to read as follows:

§ 806.610-5 The cost of work procured from commercial sources should be charged against the specific funds available therefor to the respective technical service authorized by The Adjutant General to expend such funds. Obligations for field contract printing procured from commercial concerns may be incurred, to the extent that authority has been delegated and funds made available, in accordance with the provisions of the Fiscal Code. All allotments must carry the appropriate purpose number and decimal suffix prescribed in finance circulars. Paragraph 9, AR 35-1040 prescribes the form of certificate which is required to be placed on contracts or purchase orders involving payments for printing, binding, and blank book work procured commercially in the field. Information relative to reports required by the Joint Committee on Printing together with forms required, will be furnished by The Adjutant General to the chiefs of technical services.

5. Section 806.613-1 is amended to read as follows:

§ 806.613-1 *Surplus Property Act.* The Surplus Property Act of 1944 (Public Law 457, 78th Congress), as amended, places the responsibility upon all Government agencies, in order to avoid making purchases through commercial channels when suitable items are available from surplus property disposal agencies, to consult continuously the records of surplus property maintained by the disposal agencies under the regulations of the Surplus Property Administration, and to determine whether their requirements can be satisfied out of such surplus property.

6. In § 806.613-2 paragraph (a) is amended to read as follows:

§ 806.613-2 *Disposal agencies.* (a) The disposal agencies and the general types of property for which they are responsible are as follows:

Reconstruction Finance Corporation—Consumers goods; capital and producers goods.

U. S. Maritime Commission—Ships and maritime property.

Department of Agriculture—Food and related products.

A detailed statement of the specific kinds of property assigned to each of the foregoing disposal agencies is set forth in § 827.791 of this chapter.

7. Section 806.613-3 is amended to read as follows:

§ 806.613-3 *Information as to available surpluses.* Information as to available surpluses may be obtained from the regional offices of Reconstruction Finance Corporation and from the Washington offices of U. S. Maritime Commission and of the Department of Agricul-

ture. Although the regional offices of Reconstruction Finance Corporation maintain detailed inventories only for surplus property located within their respective geographical areas, they are prepared to furnish information as to the availability of specific items of property held by other regional offices, upon request. Reconstruction Finance Corporation periodically publishes listings of available surplus property, which may be obtained from any of its regional offices.

8. In § 806.613-4 paragraph (a) (3) is amended to read as follows:

§ 806.613-4 *Establishment of operational liaison with disposal agencies.* (a) \* \* \*

(3) Each technical service will establish operational liaison between each of its field procurement offices and the regional offices of Reconstruction Finance Corporation for the region in which the field procurement office is located. In addition, operational liaison between the office of the chief of service and the Washington office of Reconstruction Finance Corporation may be established if the chief of service deems such operational liaison desirable.

9. Section 806.613-5 is amended to read as follows:

§ 806.613-5 *Procedure for acquiring surplus property.* In general, surplus property will be transferred with reimbursement by the War Department at a fair valuation determined by the disposal agency. Details of transfer procedure may be ascertained from the offices of the disposal agencies. See § 806.614 as to the appropriate form of delivery order to be used in acquiring surplus property from disposal agencies. However, where the property being transferred was declared surplus by another element of the War Department or by the Navy Department, non-reimbursable transfer can be arranged wherever permitted by section 6 of Regulation No. 2 of the Surplus Property Administration, dated November 16, 1945. Non-reimbursable transfers between the War Department and the Navy Department are authorized by 10 U.S.C. 1274. Non-reimbursable transfers between the War Department and Veterans Administration are authorized by section 102, Title 1, Public Law 346, 78th Congress, approved June 22, 1944.

[Procurement Reg. 9]

PART 809—LABOR

SUBPART F—FAIR LABOR STANDARDS ACT OF 1938

1. Section 809.934 is amended to read as follows:

§ 809.934 *Reimbursement of cost-plus-a-fixed-fee contractors for payments in accordance with the act.* Minimum wages and overtime payments paid currently in accordance with the act are reimbursable to cost-plus-a-fixed-fee contractors as labor costs. Cost-plus-a-fixed-fee contractors also may be reimbursed, in proper cases, amounts paid in settlement of claims for overtime subsequently asserted by their employees.

(See § 809.935-2 for the administrative procedure to be followed in respect of such of said subsequently asserted claims are made the subject of an investigation by the Administrator and §§ 811.1120-3 and 811.1120-3e of this subchapter for the procedure to be followed in the case of suits brought against cost-plus-a-fixed-fee contractors under the act). Attention is called to the Comptroller General's decision of December 15, 1943 (B-38642, 23 Comp. Gen. 439) to the effect that amounts paid in settlement of such claims may be reimbursed even though the settlements necessitated a compromise of disputed questions of law or fact, provided that such settlements are in amounts less than the total amounts (including liquidated damages, court costs and attorneys fees) which would be required to be paid in the event the employee sued and obtained judgment and that it is administratively determined that the settlement in each instance was fully warranted as being in the best interest of the Government. Vouchers covering such payments should be supported by evidence setting forth the basis for such administrative determination and any questions of law with respect to the application of the act should be determined by the contracting officer only after thorough consideration has been given the matter by competent Government attorneys or by private attorneys engaged to represent the contractors if the former are not available, and a showing to that effect should also be made a part of the evidence submitted with the vouchers.

2. Paragraph (c) of § 809.935-2 is amended to read as follows:

§ 809.935-2 *Investigations of cost-plus-a-fixed-fee contractors.* \* \* \*

(c) If the Administrator is of the opinion that any such investigation discloses violation of section 6 or 7 of the act, he will transmit a report of the investigation to the Director, Industrial Personnel Division, Headquarters, Army Service Forces, who will transmit it to the appropriate technical service. The technical service will cause the matter to be examined into and, if such examination confirms such violation, will advise the contractor to take appropriate steps to comply with the law. The technical service promptly will report to the Director, Industrial Personnel Division, Headquarters, Army Service Forces, as to its examination into the matter and as to the action taken. If the question as to whether a violation exists depends upon a construction of a provision of the Act which has not been construed by the Courts or by the Attorney General, The Judge Advocate General will be consulted as to the construction to be followed.

[Procurement Reg. 11]

PART 811—MISCELLANEOUS PURCHASE INSTRUCTIONS

SUBPART B—PATENTS

1. Section 811.1116 is amended to read as follows:

§ 811.1116 *Patent rights provisions of a development contract.* The policy of

War Department in regard to the patent rights provisions of a development contract is set forth in §§ 811.1116-1 to 811.1116-13, inclusive, below. This policy is to be executed within the discretion of the chiefs of the technical services pursuant to the delegation of authority contained in § 811.1118. While the policy stated in § 811.1116-13 is applicable chiefly to a development contract, it is also applicable to a contract which is not a development contract. The policy in regard to the pricing of development contracts is set forth in § 802.239a of this subchapter.

2. Sections 811.1116-7 and 811.1116-8 are amended to read as follows:

§ 811.1116-7 An appropriate patent rights provision complying with the requirements contained in §§ 811.1116-2 to 811.1116-6, inclusive, above is set forth in § 803.335-1 of this subchapter. The policy to be followed in pricing a contract containing such patent rights provision is set forth in § 802.239a (a) of this subchapter.

§ 811.1116-8 In certain types of development contracts it may be desirable for the Government to obtain the grant of a limited royalty-free license under the contractor's background patents (as defined in § 811.1116-9) in addition to the license under foreground patents or in addition to title to foreground patents. An example is where it is believed that the manufacture or use of the subject-matter of the contract, or parts, modifications and improvements thereof will involve the practice of the inventions covered by contractor's background patents and where such manufacture or use is likely to be substantial.

3. Section 811.1116-10 is amended to read as follows:

§ 811.1116-10 An appropriate patent rights provision granting license rights under both foreground and background patents as contemplated by §§ 811.1116-8 and 811.1116-9 above, is set forth in § 803.335-2 of this subchapter. The policy to be followed in pricing a contract containing such patent rights provision is set forth in § 802.239a (b) of this subchapter.

4. Sections 811.1116-12 and 811.1116-13 are amended to read as follows:

§ 811.1116-12 An appropriate patent rights provision meeting the requirements of contracts of the type mentioned in § 811.1116-11 above, is set forth in § 803.335-3 of this subchapter. The policy to be followed in pricing a contract containing such patent rights provision is set forth in § 802.239a (c) of this subchapter.

§ 811.1116-13 Where a contract (whether or not a development contract) relates to subject-matter which is classified as top secret, secret or confidential, it will normally contain the contract provision set forth in § 803.335-8 of this subchapter. The policy to be followed in pricing a contract containing such contract provision is set forth in § 802.239a (c) of this subchapter.

SUBPART C—LITIGATION AND RELATED MATTERS

1. Paragraph (e) of § 811.1120-2 is amended to read as follows:

§ 811.1120-2 *Procedure.* \* \* \*

(e) Except when the litigation is to be defended by private counsel (see §§ 811.1120-3 to 811.1120-3e, inclusive), an agreement for representation should be signed by the cost-plus-a-fixed-fee contractor or other defendant and three copies thereof should be forwarded to The Judge Advocate General, Washington, D. C. Such agreement should read as follows:

The undersigned hereby requests the Attorney General of the United States to designate counsel to defend on behalf of the undersigned the action entitled \_\_\_\_\_ v. \_\_\_\_\_. It is agreed that the assumption by the Attorney General of the defense of said action does not alter or increase the obligations of the United States under United States Contract No. \_\_\_\_\_. It is further agreed that such representation will not be construed as a waiver or estoppel of any rights which any interested party may have under said contract.

2. Section 811.1120-3 is amended and §§ 811.1120-3a to 811.1120-3e are added, as follows:

§ 811.1120-3 *Procedure respecting suits based upon the Fair Labor Standards Act of 1938.*

§ 811.1120-3a *Agreement of November 1, 1945, between War Department, Navy Department, Department of Labor, Department of Justice, War Shipping Administration and Maritime Commission.* (a) The agreement between the War Department, the Navy Department, the Department of Labor and the Department of Justice (sometimes referred to as "the interdepartmental agreement" or "the agreement of December 23, 1943"), which was formerly set forth in § 811.1120-3, has been superseded, except with respect to cases in which a final administrative determination had been made thereunder prior to November 1, 1945, by a subsequent agreement entered into by such Departments and the War Shipping Administration and the Maritime Commission. Such subsequent agreement, dated and effective November 1, 1945 (hereinafter sometimes referred to as the agreement of November 1, 1945) reads as follows:

MEMORANDUM OF AGREEMENT ON PROCEDURES FOR HANDLING FAIR LABOR STANDARDS ACT CLAIMS AGAINST COST-PLUS-A-FIXED-FEE CONTRACTORS

1. *Definitions.* For purposes of this agreement, the term:

(a) "Contracting Agency" means the War Department, the Navy Department, the United States Maritime Commission, or the War Shipping Administration, as the case may be.

(b) "Cost-plus contractor" means a contractor who has entered into a contract with a contracting agency, acting in its own behalf or in behalf of the United States, pursuant to which the contracting agency, or the United States, is or may be obligated to reimburse the contractor for money paid in resisting or settling claims arising out of work performed by claimants.

(c) "Claim" means a suit based upon the Fair Labor Standards Act for additional pay-

ments for work performed for a cost-plus contractor; and the term "Claimant" means a person by whom or on whose behalf such suit is instituted.

2. *Purposes.* The agreement of the parties of December 23, 1943, on this subject is herewith being substantially modified (a) because of changed conditions resulting from cessation of hostilities; and (b) because, it is essential to accomplish the purposes of this agreement, and it is not practicable from the standpoint of the contracting agencies and the Department of Justice, to achieve these purposes by having government attorneys represent the contractors in all cases. The purposes of this new agreement are:

(a) To facilitate the speedy disposition of claims against cost-plus contractors in aid of prompt termination of war contracts.

(b) To give cost-plus contractors primary responsibility for disposition of litigated claims and at the same time to enable the parties to maintain adequate supervision to insure that the financial interests of the United States in respect to both the substance of the claims and the counsel fees to be charged by private counsel will be protected.

(c) To permit the Wage and Hour Administrator to exercise his statutory prerogatives in protecting the administration of the Fair Labor Standards Act in litigated matters by removing any disqualification to his participation in privately handled claims.

3. *Termination of previous agreement.* The agreement of December 23, 1943, is hereby terminated, subject to the following qualifications:

(a) All cases in which a final administrative determination has been made under the interdepartmental agreement of December 23, 1943, will be handled in accordance with the provisions of the previous agreement.

(b) All other cases reported by the contracting agencies for handling under the previous agreement prior to the effective date of this agreement shall be handled pursuant to the provisions of Article 4 hereof unless the Attorney General shall determine, under other appropriate provisions of this agreement, that such cases could be handled under Articles 6 and 7. The respective United States Attorney shall continue to represent the contractors in cases previously reported on which final administrative determination has not been made until arrangements are made by the contracting agencies for the substitution of counsel. The contracting agencies will undertake to have the contractors arrange for private counsel to be so substituted in these cases by December 1, 1945 and will notify the Attorney General of the name and address of private counsel selected in each case.

4. *Procedure on suits privately defended.* Government counsel will not be furnished to defend claims against cost-plus contractors except in special cases where it appears to the contracting agency and the Department of Justice that private counsel will not be adequate to protect the interests of the United States and in cases in which the Department of Justice elects to exercise the rights expressly reserved in sub-paragraph (a) of Article 4. Except in such cases, the contracting agency will notify the Department of Justice and the Wage and Hour Administrator of the institution of the suit and of the name of the private counsel selected by contractor to defend the action. Such private counsel shall thereafter have plenary control of the litigation, including full right to settle the litigation subject to the following qualifications:

(a) It shall be the duty of private counsel to advise the appropriate United States Attorney or the designated assistant in his office in writing of his proposed plan of defense or his proposed course of settlement. If the United States Attorney is satisfied that the proposed plan of defense or course of action of the private attorney represents

sound litigating judgment and is in the best interests of the United States, he shall so advise private counsel and shall so advise the Department of Justice. Private counsel shall thereupon proceed as proposed. If the United States Attorney is not in agreement with the proposed plan of action he will report to the Department of Justice his recommendation as to whether the Department should seek to participate in the proceedings, a right which the Department expressly reserves.

(b) It is understood that the primary and final governmental responsibility both for the approval of settlements between private counsel and counsel for plaintiff, and for the approval of the counsel fees claimed by private counsel is with the contracting agency. However, in cases in which the representative of the contracting agency has serious doubt as to the wisdom of a proposed settlement or the reasonableness of a requested counsel fee, the United States Attorney will be available for consultation. The United States Attorney will, when he feels able to do so, give his view on the question presented in writing to the representative of the contracting agency. If the United States Attorney is in doubt, he may refer the question with a written statement of his views to the Department of Justice which, after consultation with the contracting agency, will express its view to the contracting agency. The contracting agency will bring the view of the Department of Justice to the attention of its contracting officers in the case of the War Department, and the contracting officers or whatever other officers may be appropriate in the case of other contracting agencies.

(c) The contracting agencies undertake to instruct private counsel that whenever practicable communications of importance with United States Attorneys will be made in writing, in triplicate.

5. *Function of Administrator in private suits.* In all cases handled by private counsel, the Wage and Hour Administrator shall be free in accordance with his customary practice to seek leave to intervene, appear as amicus or take such other action as may be appropriate. The Wage and Hour Administrator agrees, in recognition of the interest of the contracting agencies in these suits, to advise the interested contracting agency of his intention to intervene. No representative for any contracting agency will appear as counsel in the litigation.

6. *Defense by Government-function of United States Attorney.* In those instances where it appears to the contracting agency that private counsel may not be adequate to protect the interests of the United States, the contracting agency will report such facts as it deems useful to the Department of Justice and, if the Department of Justice determines that Government counsel should be furnished, it will instruct the appropriate United States Attorney to appear for the defendant. Responsibility for investigation of the claim will rest with the United States Attorney, who may utilize all available investigatory resources. In each such case the regional office of the Administrator shall be notified by the United States Attorney in order that the regional office of the Administrator may gather facts and present its views to the United States Attorney if it desires to do so. The United States Attorney shall thereupon determine whether the action shall be settled or defended, and if he determines that it should be defended, he will prepare a brief outline of the proposed defense. The United States Attorney shall report his conclusion and proposed course of action together with all factual reports on the claim to the Department, which will speedily refer his views with a provisional recommendation to the interested agency and the Administrator.

7. *Defense by Government-administrative procedure.* If no objection to the provisional recommendation has been heard from the contracting agency or the Administrator

within 10 days of the sending of the Department's recommendation, it will be assumed that there is no objection to the recommendation and the case will be settled or defended on the basis recommended. If a party objects to a proposed plan of defense or settlement, it shall within the 10 days' time specified notify the other interested party (the contracting agency or the Administrator, as the case may be) and the Department of Justice of its objection with a brief summary of the reasons therefor. The Department of Justice will thereupon attempt to adjust the difference by informal means and failing such adjustment will notify the parties of a hearing. At the hearing the Department of Justice may determine the Government's litigation position. If the Department of Justice makes such determination the particular case shall be handled in accord with the determination of the issue so made. If the Department of Justice concludes that the issues presented by a plan of defense in a particular case are of such novelty and complexity that in fairness to all the interests involved the questions presented should be decided by a court without an attempt to interpose the administrative procedure, it will so decide.

8. *Advisory functions of United States Attorney.* The United States Attorney shall be available to advise the contracting agency on problems relating to litigated claims but will not be called upon to discuss cost-plus problems in the absence of litigation.

9. *Termination of agreement.* Any signatory to this agreement may withdraw at any time upon notice to all other signatories.

The foregoing agreement has been entered into and executed by the respective parties hereto acting through their duly authorized representatives as of the first day of November, 1945.

(b) Sections 811.1120-3b to 811.1120-3e, inclusive, set forth War Department instructions implementing the foregoing agreement.

§ 811.1120-3b *Instructions to be given contractor.* (a) The War Department representative in charge of the project or activity out of which the action arises, immediately upon notification of commencement of the litigation, shall:

(1) Furnish the contractor a copy of the agreement of November 1, 1945, set forth in § 811.1120-3a; and

(2) Direct the contractor to retain private counsel to defend the litigation, subject to (i) the qualifications upon the plenary control of the litigation by private counsel set forth in paragraph 4 of such agreement and (ii) the right of the United States attorney, at any time, to intervene or to be substituted as attorney for the contractor in the suit in the event such intervention or substitution is subsequently determined to be in the best interests of the Government.

(b) In connection with the employment of private counsel, attention is called to 22 Comp. Gen. 993 to the effect that cost-plus-a-fixed-fee contractors in proper cases may be reimbursed the reasonable and necessary costs, including attorneys' fees, incurred in defense of suits asserted under the Fair Labor Standards Act (see also 23 Comp. Gen. 439 affirming this position). In connection with the approval of private counsel fees, the contracting officer may consult with the United States attorney in accordance with paragraphs 4b and 8 of the agreement of November 1, 1945, and may request the advice of the chief of the technical service concerned in accord-

ance with such instructions relative thereto as the chief of the technical service may issue.

§ 811.1120-3c *Notification to The Judge Advocate General.* In addition to the information required to be reported to The Judge Advocate General by Army Regulation 410-5 and § 811.1120-2 (c), he shall be advised of the name and address of private counsel selected pursuant to § 811.1120-3b. The Judge Advocate General will notify the Department of Justice of such name and address.

§ 811.1120-3d *Approval of settlements negotiated by private counsel.* In connection with the settlement procedure set forth in the agreement of November 1, 1945, attention is directed to 23 Comp. Gen. 439 to the effect that the War Department properly may, upon proper administrative determination as therein indicated that the settlement in each instance is fully warranted as being in the best interest of the Government, reimburse contractors for payments to employees in settlement of claims for overtime asserted under section 7 of the Fair Labor Standards Act, in amounts less than the total amounts which would be required to be paid in the event adverse judgments were obtained, even if the consummation of the settlement necessitates adjustment of disputed questions as to the amounts of overtime involved as well as questions pertaining to the application of the act. The decision of the Comptroller General, referring to the amounts so reimbursed, states in part:

the vouchers covering the said payments should be supported by evidence setting forth the basis for the administrative determination that the settlement in each instance was fully warranted as being to the best interest of the Government. In this connection, it would appear that any questions of law with respect to the application of the act properly should be determined by the contracting officer only after thorough consideration has been given the matter by competent Government attorneys or by the private attorneys engaged to represent the contractors if the former are not available, and a showing to that effect should be made a part of the evidence submitted with the vouchers. Also, the reasonableness of amounts paid on the vouchers should be established by satisfactory evidence or authoritative determinations, and such evidence or determinations should be furnished with the vouchers.

Since it is the function of the contracting officer to make the administrative determination as to whether or not a particular settlement may be approved for reimbursement under the contract involved, the contracting officer upon behalf of the War Department shall approve or disapprove a settlement proposed by private counsel in accordance with the procedure established by the agreement of November 1, 1945. In this connection, he may consult with the United States attorney as provided in paragraphs 4 (b) and 8 of the agreement and may request the advice of the chief of the technical service concerned in accordance with such instructions relative thereto as the chief of the technical service may issue.

§ 811.1120-3e *Cases to be defended by the Department of Justice.* It is believed that in most suits against cost-plus-a-fixed-fee contractors under the

Fair Labor Standards Act the interests of the United States will be adequately protected by defense of the litigation by private counsel in accordance with the procedure established in the agreement of November 1, 1945. In special cases where it appears to the War Department representative in charge of the project or activity out of which the action arises that such may not be the case, he shall forward his recommendation relative thereto through channels to The Judge Advocate General. The Judge Advocate General in every case is authorized finally to determine the War Department's position as to whether the suit shall be defended by the United States attorney or by private counsel and with respect to any provisional recommendation submitted to the War Department pursuant to paragraph 6 of the agreement of November 1, 1945, and shall conduct all liaison relative thereto on behalf of the War Department with the Department of Justice and the Administrator. Should it be determined in accordance with paragraph 7 of the agreement of November 1, 1945, that the suit shall be settled or shall be defended by the United States attorney. The Judge Advocate General shall advise the technical service concerned so that appropriate action may be taken.

#### SUBPART D—PRICE AND RATIONING REGULATIONS

In § 811.1135 paragraphs (b) and (c) are amended to read as follows:

§ 811.1135 *Rationing regulations.* \* \* \*

(b) *Applicable OPA directives.* OPA Ration Order 3 deals with rationing of sugar. Procedures under the rationing system are established by OPA General Ration Orders 3, 3A, 3B, 5 and 11.

(c) *Where certain War Department instructions may be found.* Interested personnel may find instructions in the following War Department publications covering the general subjects indicated:

(1) War Department Supply Bulletin, SB 10-140, 2 October 1944—Ration Banking System.

(2) Circular 36, W.D., 1945—food rationing;

(3) Circular 291, W.D., 1943; Circular 59, W.D. 1944—non-rationed food items containing rationed commodities;

#### SUBPART E—CONTROLLED MATERIALS PLAN

The text of Subpart E is revoked as follows:

§ 811.1140 *Revision of existing supply contracts to conform to production schedules authorized under Controlled Materials Plan.* [Revoked]

§ 811.1140-1 *Effect of reduced allotments of materials.* [Revoked]

§ 811.1140-2 *Coordination with CMP officers.* [Revoked]

§ 811.1140-3 *Protection of contractor.* [Revoked]

§ 811.1140-4 *Adjustment of schedules in contracts.* [Revoked]

§ 811.1140-5 *Upward adjustment of price.* [Revoked]

§ 811.1140-6 *Downward adjustment of price.* [Revoked]

§ 811.1141 *Allotment of materials for new contracts.* [Revoked]

[Procurement Reg. 12]

#### PART 812—RENEGOTIATION AND PRICE ADJUSTMENT

##### APPENDIX

In the list in paragraph (1) of RR 841 under § 812.1290-2, the items "Barite \* \* \*" and "Lithium \* \* \*" are amended to read as follows:

§ 812.1290-2 *Interpretation and application of the mandatory exemption relating to contracts for certain raw materials and agricultural commodities.* \* \* \*

RR 841 provides as follows:

841 *Raw material exemption.* \* \* \*

(1) \* \* \*  
Barytes, crude crushed.

\* \* \*  
Lithium bearing ores and concentrates; lithium carbonate; lithium hydroxide; lithium chloride.

[Procurement Reg. 13]

#### PART 813—FORMS OF CONTRACTS

Section 813.1328 is revoked, as follows:

§ 813.1328 *W. D. Contract Form No. 28.* [Revoked]

[Procurement Reg. 16]

#### PART 816—PRIORITIES

Part 816 is revoked.

#### Subchapter B—Disposition of Property

[Procurement Reg. 7]

#### PART 821—GENERAL DISPOSITION OF PERSONAL PROPERTY

1. In § 821.102 the definition of "Line-item" is added and the definition of "Small lots" is amended, as follows:

§ 821.102 *Definitions.* \* \* \*

"Line-item" means any item or group of identical items originating in contractor inventory under any one contract which may properly be described and listed as a single entry in an inventory schedule.

"Small lots" means single items or groups of items of excess or surplus property, where the cost, estimated if not known, of all substantially similar items in surplus at any one time and at any one place does not exceed \$300. The term "small lot" also means any "line-item", as defined in this section, which costs \$100 or less.

2. In § 821.113 paragraph (c) is amended to read as follows:

§ 821.113 *Contract formalities, including numbering and distribution.* \* \* \*

(c) Contracts for the sale of property will be distributed in the same manner as other contracts. (See Subpart D of Part 803 of this chapter.)

#### PART 823—DISPOSITION OF PERSONAL PROPERTY FOR PURPOSES DIRECTLY RELATED TO THE PROSECUTION OF THE WAR

1. In § 823.301-2 the introductory text of paragraph (b) is amended to read as follows:

## § 823.301-2 Pricing policy. \* \* \*

(b) Sales under § 823.301-1 of all used standard general-purpose machine tools and all used standard machines covered by the following standard commodity classification numbers (excluding special machines), will be made at prices determined in accordance with Surplus Property Administration Regulation No. 13 (see § 823.391-1):

2. Section 823.307-2 is amended to read as follows:

§ 823.307-2 *Transfer without reimbursement under certain statutes.* When transfers are made to the Navy Department (10 U.S.C. 1274), or to the Veterans' Administration upon written request stating that the property is needed for authorized care for veterans (Title I, P.L. 346, 78th Cong.), or when transfers or loans are made to the Administrator of Civil Aeronautics upon his written request stating that the property will be used in carrying out the purposes of the Civilian Pilot Training Act of 1939 as amended (49 U.S.C. 756), or when aircraft is being acquired for replacement purposes by the Civil Aeronautics Administration (Title III, P.L. 61, 79th Congress), or when transfers are authorized under other statutes not requiring reimbursement, they will be effected without reimbursement of, or transfer or allotment of funds to, the transferor by the transferee for the cost of the property or of packaging, handling and shipment thereof, unless the property is procured by the transferor for the transferee:

(a) By assignment of sole purchase responsibility, or

(b) Under procurement pooling arrangements, or

(c) Under any arrangement for procurement by the transferor expressly upon the prior requisition of the transferee.

3. Section 823.308-2 is amended to read as follows:

§ 803.308-2 *Redistribution with reimbursement.* Such redistribution will be effected with reimbursement of, or transfer or allotment of funds to, the transferor by the transferee for the cost of the property and of packaging, handling and shipment thereof, when the property is procured by the transferor for the transferee:

(a) By assignment of sole purchase responsibility, or

(b) Under procurement pooling arrangements, or

(c) Under any arrangement for procurement by the transferor expressly upon the prior requisition of the transferee.

4. Section 823.316 is amended to read as follows:

§ 823.316 *Donations to schools engaged in preinduction or aeronautical industrial training.* Under the authority conferred upon the Secretary of War by the Act of May 26, 1928 (45 Stat. 753, 20 U. S. C. 94) and the Act of February 28, 1936 (49 Stat. 1147, 10 U.S.C. 1258), the chiefs of the technical services have been authorized to donate property of the classes specified in paragraph (d)

to educational institutions under the following conditions:

(a) To be eligible for donations, an institution must:

(1) Be operated by a State or political subdivision thereof, or must be certified by a State department of education, State board for vocational education, or a similar State authority responsible for the supervision of education, to be an institution not operated for profit and having a standard curriculum in the fields for which it offers training;

(2) Provide a regular course of instruction which will require the use of the property;

(3) Use the property in an aeronautical industrial training program recommended by the Assistant Chief, Air Staff, Personnel, Headquarters, Army Air Forces; or use the property in a preinduction training program as defined prior to November 1, 1945 by the Director of Military Training, Army Service Forces; and

(4) Provide adequate facilities to maintain the property.

(b) Requests for the donation of property to educational institutions will be forwarded, in the case of property to be used in pre-induction training, to the commanding general of the service command in which the institution is located and, in the case of property to be used in aeronautical industrial training, to the commanding general of the area air technical service command in which the institution is located. The commanding general of the service command or the area air technical service command may approve the request if he determines that:

(1) All efforts to supply the property from salvage have been exhausted;

(2) The request is reasonable and proper in view of the training to be given; and

(3) The institution meets the standards set forth in paragraph (a) above.

(c) If the commanding general of the service command or the area air technical service command approves the request, he shall prepare the specific findings required by paragraph (b) above and shall forward them, together with his recommendation, to the chief of the technical service having control of the property to be donated (attention: Redistribution and Salvage Officer), when such property is to be donated by the Army Service Forces, and to the Director, Air Technical Service Command, Wright Field, Ohio, when such property is to be donated by the Army Air Forces. The chief of the technical service or the Director, Air Technical Service Command, if the request is approved by him, will direct the appropriate installations to ship the property to the educational institution concerned and will include in such direction a citation of this section.

(d) The following property may be donated under the authority of this section:

(1) Obsolete or excess machinery, mechanical equipment and tools;

(2) Aircraft, aircraft parts, instruments or engines which are obsolete or impaired to the extent that repair would not be economical.

However, under no circumstances will any donation be made which will result in current procurement to replace the property donated, nor will property be considered available for donation after it has been reported as surplus to a Disposal Agency, nor will property be considered available if a Disposal Agency has advised that any particular item is in short supply, or has requested that items of the particular type be reported to it.

(e) No property will be shipped until receipt of payment by the donee of all expenses necessary for packing, handling and delivery to the carrier. Property shipped by carrier will be on commercial bill of lading with transportation charges collect. Copies of shipping documents listing the property supported by shipping directions described in paragraph (c) above will constitute valid credit vouchers to the property accounts. No further accounting for the property will be required. Two lists of the property donated will be forwarded to the commanding general of the service command or the area air technical service command who recommended the donation.

5. Sections 823.391 and 823.391-1 are amended and § 823.391-2 is revoked, as follows:

## § 823.391 Machine and machine tool pricing policy.

§ 823.391-1 *Surplus Property Administration Regulation No. 13.* On November 2 1945, the Administrator of the Surplus Property Administration issued Regulation No. 13, the text of which is as follows:

## PRICING POLICY FOR STANDARD GENERAL PURPOSE MACHINERY

§ 8313.1 *Definitions.*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Standard general purpose machinery" includes used machine tools and machines listed in the following categories of the Standard Commodity Classification (May 1943), Vol. I, (with the exception of special machines):

## Major Group 34, Code 34:

11,000 through 19,900, inclusive  
40,000 to, but not including 47,000  
49,000 to, but not including 70,000  
74,000 to, but not including 74,900

## Major Group 33, Code 33:

6300 through 6620, inclusive  
6800  
6910  
6920  
7210  
7220  
7260

The special machines not included are those designed for and used exclusively in the production of war material such as but not limited to:

Special gun reaming, rifling and chambering machines.  
Gun boring and turning lathes.  
Shell turning lathes.  
Shell tappers.  
Small arms ammunition machinery.  
Special military tank manufacturing machines.  
Special military aircraft manufacturing machines.  
Special shipbuilding machines.

§ 8313.2 *Purpose and scope.* The purpose of this part is to provide a fixed price policy

for used standard general purpose machine tools and machines. Prices at decreasing percentages of original cost are specified for machinery in active use through twenty-five years, and ceiling prices are provided for sales of machinery with more than twenty-five years of active use. This part applies to all sales made after the effective date hereof by the Reconstruction Finance Corporation as a disposal agency and to all sales by owning agencies of standard general purpose machinery pursuant to Surplus Property Board Regulation 6 (10 F.R. 6309, 6981, 8665, 10398) or otherwise but is not applicable to any sale of standard general purpose machinery which has been delivered to the purchaser or to any carrier for the account of the purchaser prior to the effective date of this part.

§ 8313.3 *Machinery used not more than twenty-five years.* Machinery in active use for not more than twenty-five years shall be sold at prices determined as follows:

(a) The selling agency shall determine the original price (i. e. b. the plant of the machine manufacturer) of the machine including electrical equipment, standard or special attachments sold with the machine, and attached special tooling which has value to the purchaser other than as scrap or salvage. In the case of machine tools and metal forming and shaping machines manufactured prior to March 1, 1941, the March 1, 1941 price of the nearest equivalent machine may be taken as the original price. In the case of standard general purpose machines, other than machine tools and metal forming and shaping machines, manufactured prior to October 1, 1941, the October 1, 1941 price of the nearest equivalent machine may be taken as the original price.

(b) The selling agency shall determine the period of active use of the machine on the basis of the best information reasonably available. The period of active use shall be considered to run from the estimated date the machine was originally put into use to the date of sale, if the machine is then still in use. If the machine is not in use at the time of sale, the period shall run to the estimated date when the machine last became idle.

(c) The original price determined in accordance with paragraph (a) shall be used as a base. The price at which the machine shall be sold shall be computed by applying to that base the percentage appearing in paragraph (d) below opposite the period of active use of the machine calculated in accordance with paragraph (b). The percentage appearing in Column B of paragraph (d) shall be applied where the buyer is the person who is using the machine at the time of sale or, if the machine is then idle, the person who last used it, and the percentage appearing in Column A shall be applied where the sale is to any other buyer. The price computed in accordance herewith shall be the sales price f. o. b. the location of the machine at the time of sale, except that in the case of sales made to a purchaser in possession, it shall be the sales price of the machine at its location.

(d) The percentages of original cost to be applied are as follows:

Period of active use	A	B
	Percent	Percent
Less than one month	85.0	90.0
1 month	82.5	87.5
2 months	80.0	85.0
3 months	77.5	82.5
4 months	75.0	80.0
5 months	72.5	77.5
6 months	70.0	75.0
7 months	69.0	74.0
8 months	68.0	73.0
9 months	67.0	72.0
10 months	66.0	71.0
11 months	65.2	70.2
12 months	64.4	69.4
13 months	63.6	68.6
14 months	62.8	67.8
15 months	62.0	67.0

Period of active use	A	B
	Percent	Percent
16 months	61.2	66.2
17 months	60.4	65.4
18 months	59.6	64.6
19 months	58.8	63.8
20 months	58.0	63.0
21 months	57.2	62.2
22 months	56.4	61.4
23 months	55.6	60.6
24 months	54.8	59.8
25 months	54.0	59.0
26 months	53.2	58.2
27 months	52.4	57.4
28 months	51.6	56.6
29 months	50.8	55.8
30 months	50.0	55.0
31 months	49.2	54.2
32 months	48.4	53.4
33 months	47.6	52.6
34 months	46.8	51.8
35 months	46.0	51.0
36 months	45.2	50.2
37 months	44.6	49.6
38 months	44.0	49.0
39 months	43.4	48.4
40 months	42.8	47.8
41 months	42.2	47.2
42 months	41.6	46.6
43 months	41.1	46.1
44 months	40.6	45.6
45 months	40.1	45.1
46 months	39.6	44.6
47 months	39.1	44.1
48 months	38.6	43.6
49 months	38.2	43.2
50 months	37.8	42.8
51 months	37.4	42.4
52 months	37.0	42.0
53 months	36.6	41.6
54 months	36.2	41.2
55 months	36.0	41.0
56 months	35.8	40.8
57 months	35.6	40.6
58 months	35.4	40.4
59 months	35.2	40.2
60 months	35.0	40.0
61 months	34.0	39.0
62 months	33.0	38.0
63 months	32.0	37.0
64 months	31.0	36.0
65 months	30.0	35.0
66 months	29.0	34.0
67 months	28.0	33.0
68 months	27.0	32.0
69 months	26.0	31.0
70 months	25.0	30.0
71 months	24.0	29.0
72 months	23.0	28.0
73 months	22.0	27.0
74 months	21.0	26.0
75 months	20.0	25.0
76 months	19.0	24.0
77 months	18.0	23.0
78 months	17.0	22.0
79 months	16.0	21.0
80 months	15.0	20.0

§ 8313.4 *Machinery used more than twenty-five years.* Sales of standard general purpose machinery with a period of active use of over twenty-five years may be made at current market prices, but not in excess of the applicable twenty-five year price determined in accordance with § 8313.3 of this part.

§ 8313.5 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Surplus Property Administration in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8313.6 *Regulations to be reported to the Administrator.* Each owning and disposal agency shall file with the Surplus Property Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This part shall become effective November 8, 1945.

§ 823.391-2 *Surplus Property Board; Special Order No. 2.* [Revoked]

#### PART 824—DISPOSITION OF NON-REPAIRABLE PERSONAL PROPERTY

Sections 824.408 through 824.408-4, inclusive, are added, as follows:

§ 824.408 *Stockpiling of strategic property.*

§ 824.408-1 *Definition.* Strategic property means all "strategic minerals and metals" listed on Exhibit 1 (including their ores, concentrates, alloys, scrap and partially and completely fabricated articles, of which more than 50% by value of the component materials consist of such minerals and metals); and "strategic materials" listed on Exhibit II, in § 826.693-1 (excluding lots of strategic property listed on either Exhibit heretofore reported on WD AGO Form No. 257, in accordance with the pre-existing procedures), in quantities at any one time and in any one place in excess of those quantities shown on Exhibits I and II, but does not include those fabricated articles valueless for stockpiling purposes (such as tin cans) of which the cost of care, handling and conversion for stockpile purposes exceeds the estimated value of the resulting strategic property, or which would deteriorate and become valueless to the Army for storing in a stockpile. Small lots need not be combined for the purpose of aggregating more than minimum quantities.

§ 824.408-2 *Strategic property in form listed and scrap composed substantially of strategic property.* Accumulation of strategic property in substantially the form in which listed on Exhibits I and II, and accumulations of scrap, except aluminum scrap (which the Army-Navy Munitions Board has determined in advance is unsuitable for Army and Navy use), which are composed substantially of strategic property, will be declared as set out in § 824.408-4 without further consideration.

§ 824.408-3 *Determination in other cases.* Determination whether surplus accumulations of other scrap which contains any strategic property shown on Exhibit I will be declared in accordance with § 824.408-4 will be made as follows:

(a) *Scrap accumulations of substantially uniform composition.* (1) Where refining, extracting or disassembling, or a required combination thereof, is consistent with standard commercial practice, the value of the contained strategic property listed on Exhibit I will be ascertained by subtracting from the market price thereof the estimated cost of refining, extracting or disassembling, including freight and any other charges connected therewith. If the combined net value of all strategic property listed on Exhibit I, thus ascertained, exceeds the combined value (arrived at by taking the market value thereof without reference to cost of refining, extracting or disassembling) of all other contained minerals and metals, the entire accumulation will be declared in accordance with § 824.408-4; otherwise the accumulation will be disposed of as though it contained no strategic minerals or metals unless the chief of the service involved directs otherwise, in which case the accumulation will be declared in accordance with § 824.408-

4. Where the combined net value of the contained strategic property listed on Exhibit I is obviously more or obviously less than the combined value of all the other contained minerals and metals detailed computations are not required.

(2) Where refining, extracting or disassembling, or a required combination thereof, is not consistent with standard commercial practice, the accumulation will be disposed of as though it contained no strategic property listed on Exhibit I. It has been determined by the War Department that all ferrous alloy scrap falls within this category. Nothing contained in §§ 824.408 to 824.408-4, inclusive, will be construed to require the declaration as strategic property of any property which otherwise would be abandoned.

(b) *Scrap accumulation of miscellaneous composition.* Separation and preparation of scrap for stockpiling purposes will not be done beyond that normally done for other purposes. Such accumulations as normally would not be segregated or prepared will be disposed of as though they contained no strategic property.

§ 824.408-4 *Declaration procedure.* Surplus strategic property shall be declared to RFC on Form SPB 1, which shall include in the description of the property in Column (b) the phrase "Strategic Property"; and the description shall be sufficiently complete as to chemical or other composition, specification, size, and amount, as to indicate the nature of the strategic property and the article, if any, of which it is a component part. In cases involving scrap, Columns "c", "d" and "g" shall not be filled in and Column "h" entitled "Total Cost" shall be filled in with an amount representing "Total Estimated Value". The balance of the form shall be completed in accordance with the instructions on the reverse side. Forms SPB 1 used in declaring strategic property shall not include non-strategic property. Shipping or other instructions will be issued either from the Treasury Department, Procurement Division, or from RFC, depending upon ultimate disposition of the declared strategic property.

#### PART 826—DISPOSITION OF SERVICEABLE NON-MILITARY PERSONAL PROPERTY

1. Section 826.604-2 is amended to read as follows:

§ 826.604-2 *Stockpiling of strategic property*—(a) *Strategic property in form listed and articles composed substantially of strategic property.* Surplus accumulations of strategic property, as defined in § 824.408-1, in substantially the form in which listed on Exhibits I and II of § 826.693-1, and accumulations of articles which are composed substantially of strategic property will be declared in accordance with the provisions of § 824.408-4.

(2) *Surplus ores, concentrates, alloys, and partially or completely fabricated articles containing strategic property listed on Exhibit I of § 826.693-1.* Solely for the purpose of determining whether accumulations of such articles shall be declared in accordance with § 824.408-4, such items not classified as scrap will be

considered as though they were scrap. When by such determination, in accordance with § 824.408-3, it appears that such accumulations should be declared as strategic property, they will be so declared as ores, concentrates, alloys, or partially or completely fabricated articles, as the case may be, in accordance with § 824.408-4. Otherwise they will be disposed of as though they contained no strategic property, unless the chief of the service involved directs otherwise, in which case the accumulation will be declared in accordance with § 824.408-4.

2. In § 826.692 the addresses under the heading "Office of the Chief Signal Officer" are amended to read as follows:

§ 826.692 *Principal field procurement offices of the technical services.*

#### OFFICE OF THE CHIEF SIGNAL OFFICER

Commanding Officer, Storage and Issue Agency, 128 N. Broad Street, Philadelphia 2, Penna. Attn.: Redistribution & Salvage Officer.

Commanding Officer, Plant Engineering Agency, SPSLP-82, Architects Building, 17th and Sanson Streets, Philadelphia, Pa.

Commanding Officer, Philadelphia Sig. C. Procurement District, 128 North Broad Street, Philadelphia 2, Pennsylvania, Attn.: Production Division.

Officer in Charge, Chicago Signal Corps Procurement District, Field Office, 1 North LaSalle Street, Chicago 2, Illinois.

Commanding General, Eastern Signal Corps Training Center, Fort Monmouth, New Jersey.

Commanding Officer, Signal Corps Engineering Laboratories, Shark River Hotel, Bradley Beach, New Jersey, Attn.: Redistribution and Salvage Officer.

3. Section 826.693-1 is amended to read as follows:

§ 826.693-1 *List of stockpile materials.*

#### LIST OF STRATEGIC PROPERTY

##### EXHIBIT I—STRATEGIC MINERALS AND METALS

Items	Minimum quantity
Antimony.....	25 short tons.
Beryl.....	5 short tons.
Cadmium.....	100 pounds.
Chromite:	
Metallurgical grade.....	25 long tons.
Refractory grade.....	25 long tons.
Chemical grade.....	25 long tons.
Cobalt.....	2,000 pounds.
Copper.....	25 short tons.
Diamonds, industrial.....	No minimum.
Fluorspar:	
Acid grade.....	25 short tons.
Metallurgical grade.....	25 short tons.
Graphite:	
Amorphous lump.....	5 short tons.
Flake.....	5 short tons.
Crystalline fines.....	5 short tons.
Lead.....	25 short tons.
Magnesium.....	50,000 pounds.
Manganese:	
Battery grade.....	25 long tons.
Metallurgical grade.....	25 long tons.
Mercury.....	10 flasks.
Mica:	
Muscovite block and film.....	100 pounds.
Muscovite splittings.....	100 pounds.
Phlogopite splittings.....	100 pounds.
Phlogopite block.....	100 pounds.
Molybdenum (contained molybdenum).....	10,000 pounds.
Nickel (including monel).....	10,000 pounds.
Platinum.....	No minimum.
Quartz crystals.....	100 pounds.
Tantalite (contained tantalite).....	100 pounds.

#### LIST OF STRATEGIC PROPERTY—Continued

##### EXHIBIT I—STRATEGIC MINERALS AND METALS—continued

Items	Minimum quantity
Tin.....	2,000 pounds.
Tungsten (contained tungsten).....	10,000 pounds.
Vanadium (contained vanadium).....	10,000 pounds.
Zinc.....	25 short tons.

NOTE: On minimum quantity for ores, concentrates, alloys, scrap and fabricated articles, which consist principally by value of the strategic minerals and metals listed above: Lots of such items that contain not less than the minimum quantity of any one of the minerals or metals listed above, shall be declared as strategic property.

##### EXHIBIT II—STRATEGIC MATERIALS

Items	Minimum quantity
Agar.....	250 pounds.
Aluminum.....	50,000 pounds.
Asbestos:	
Rhodesian chrysotile.....	5 short tons.
South African amosite.....	5 short tons.
Barite.....	5 short tons.
Bauxite.....	25 long tons.
Bismuth.....	100 pounds.
Castor oil.....	50,000 pounds.
Celestite (strontium).....	25 short tons.
Coconut oil.....	50,000 pounds.
Columbite (columbite content).....	500 pounds.
Cordage fibers:	
Manila (1 bale).....	400 pounds.
Sisal (1 bale).....	400 pounds.
Corundum.....	10,000 pounds.
Cryolite, natural.....	25 long tons.
Diamond dies.....	No minimum.
Emery.....	25 short tons.
Emetine.....	100 ounces.
Hyoscine.....	No minimum.
Iodine.....	2,000 pounds.
Jewel bearings:	
Instrument jewels.....	1,000 pieces.
Sapphire and ruby jewels.....	1,000 pieces.
Watch and timekeeping jewels.....	1,000 pieces.
Kapok.....	100 pounds.
Kyanite, Indian.....	25 short tons.
Monazite.....	5 short tons.
Opium.....	No minimum.
Palm oil.....	50,000 pounds.
Pepper.....	1,000 pounds.
Platinum group metals:	
Iridium.....	No minimum.
Osmium.....	No minimum.
Palladium.....	No minimum.
Rhodium.....	No minimum.
Ruthenium.....	No minimum.
Pyrethrum (20% extract).....	1,000 pounds.
Quebracho (extract).....	1,000 pounds.
Quinidine.....	25 ounces.
Quinine.....	100 ounces.
Rapeseed oil.....	50,000 pounds.
Rubber:	
Crude natural rubber.....	5 long tons.
Natural rubber latex.....	5 long tons.
Rutile.....	5 short tons.
Sapphire and ruby.....	1,000 carats.
Selenium.....	1,000 pounds.
Shellac.....	10,000 pounds.
Sperm oil.....	50,000 pounds.
Talc:	
Steatite block or lava.....	No minimum.
Steatite ground.....	5 short tons.
Tung oil.....	50,000 pounds.
Wool.....	10 bales.
Zirconium ores:	
Baddeleyite.....	5 short tons.
Zircon.....	5 short tons.

4. Section 826.693-2 is revoked, as follows:

§ 826.693-2 *Request for disposition instructions.* [Revoked]

**PART 827—DISPOSAL OF SURPLUS  
PERSONAL PROPERTY**

**SUBPART A—DIRECT DISPOSAL BY WAR  
DEPARTMENT**

Section 827.710-3 is amended to read as follows:

§ 827.710-3 *Standard for determination of small lots.* (a) "Like-items" originating in contractor inventory as defined in § 821.102 of this subchapter will be considered as small lots and disposed of in accordance with § 827.710.

(b) Determinations as to what are "substantially similar items" of military property, and of property originating in contractor inventory costing between \$100 and \$300 are not the responsibility of the salvage officer but of the War Department agency directing the transfer to salvage. The standards to be applied in making such determinations are as follows:

(1) Property will not be subdivided or subjected to refined classifications for the purpose of avoiding reporting to Disposal Agencies.

(2) "Substantially similar items" are items which serve the same immediate purpose. They include items which are commonly considered in ordinary business practice as being in the same class, although they differ in size, weight, color, capacity, composition, quality, or design. Items may be substantially similar although not interchangeable in use.

(c) The phrase "at any one time" appearing in the definition of small lots (§ 821.102 of this subchapter) means the time at which the responsible officer has determined the items to be turned over to a salvage officer or declared to a Disposal Agency. Developments subsequent to the time of the decision need not influence a determination of small lots.

(d) The phrase "at any one place" appearing in the definition of small lots (§ 821.102 of this subchapter) means one installation, plant, factory, or location.

**SUBPART B—DECLARATION TO DISPOSAL  
AGENCIES**

1. Section 827.720 is amended to read as follows:

§ 827.720 *General.* (a) Under its Regulation No. 1, Order 1, the Surplus Property Administration has assigned responsibility for disposal of surplus personal property as indicated in § 827.791 by standard commodity classification numbers. Although the detailed assignments as set forth in § 827.791 will govern, the general basis of assignment of responsibility to the major Disposal Agencies is as follows:

Reconstruction Finance Corporation: Consumer goods; capital and producers goods.  
United States Maritime Commission: Ships and maritime property.  
Department of Agriculture: Agricultural commodities and food.

(2) Promptly upon determination of surplus, property, other than that to be disposed of directly by the War Department (see Subpart A of this part), will be declared to the designated Disposal Agency by the War Department agencies authorized to determine property as sur-

plus, or by installations or offices instructed by these agencies to make declaration, in accordance with the procedures set forth in this subpart.

2. Section 827.721-5 is amended to read as follows:

§ 827.721-5 *Other property.* Surplus property other than the types of property specified in the foregoing §§ 827.721 to 827.721-5, inclusive, will be declared to the Regional Offices of Reconstruction Finance Corporation for the region in which the property is located. The addresses of these Regional Offices and the territories within their jurisdiction are set forth in §§ 827.792 and 827.793.

3. Section 827.722-2 is amended to read as follows:

§ 827.722-2 *Transmittal of declarations.* (The following does not apply to declarations of surplus property originating from contractor inventory that are made under the procedures set forth in § 827.724.) Declarations of surplus property made on Form SPB-1 will be filed with Disposal Agencies in triplicate. One copy will also be sent to the Navy Department, Washington 25, D. C. (Attention: Chief of the Bureau of Supplies and Accounts, SPD 19) if the total cost of the property covered by the declaration exceeds \$1,000. Two information copies of each declaration covering property having a total cost of \$50,000 or more will be transmitted at the time of declaration to the Director, Readjustment Division. These copies need not be accompanied by a letter of transmittal.

4. Section 827.723 is amended to read as follows:

§ 827.723 *Withdrawal, and adjustments of declarations.* (a) Property which has been declared to a Disposal Agency may be withdrawn by the declaring office for further use by the technical service of origin, with the consent of the Disposal Agency to which the property was declared. See § 827.724 for special procedures on contractor inventory. It is no longer necessary to withdraw declarations for the purpose of transfer without reimbursement to another technical service or to another Government agency. Under Revised Regulation 2, § 8302.6 of the Surplus Property Board, Disposal Agencies are authorized to transfer property declared by one technical service to another technical service or to another Government agency, without reimbursement when transfer could have been made from the declaring technical service to the transferee service or agency without reimbursement under § 823.307 or § 823.308 of this subchapter.

(b) The approval of the chief of the technical service concerned must be secured for withdrawals made to replenish other depot stock accounts, before approval of the Disposal Agency is obtained. Withdrawals from the surplus account which are directed by the Disposal Agency and changes in stock balances on the surplus account due to inventory

adjustments shall be made without reference to the chief of the technical service.

(c) Withdrawal of property under this paragraph will be effected by transmitting to the Disposal Agency Form SPB-1.1 titled, "Adjustment of Prior Declaration of Surplus Personal Property". This form will also be used in reporting any modifications or adjustments in prior declarations. Form SPB-1.1 will be prepared and transmitted in the same manner as Form SPB-1. If a withdrawal covers all the items included in a previous declaration, the phrase "All items to be withdrawn" may be inserted in Column (b) instead of listing the items.

(d) Two copies of each approved withdrawal, correction, adjustment, or modification involving a change in cost of \$50,000 or more will be transmitted at the time of correction to the Director, Readjustment Division. These copies need not be accompanied by a letter of transmittal.

(e) See § 827.724-7 as to withdrawals and adjustments of declarations of contractor inventory.

5. In § 827.724-3, paragraph (c) (5) is amended to read as follows:

§ 827.724-3 *Declarations.* \* \* \*

(c) *Forms used.* \* \* \*

(5) Copies of Form SPB-1.2 with supporting detailed listings will be distributed as follows:

(i) Eight (8) sets to the regional office of Reconstruction Finance Corporation. The Regional Office will return one set with shipping instructions, or will return 2 or more sets if requested provided sufficient additional sets are transmitted to the regional office in the first instance.

(ii) Two sets of each declaration covering property having a cost of \$50,000 or more to the Readjustment Division concurrently with transmittal to regional office of Reconstruction Finance Corporation.

(iii) Additional distribution within the technical service concerned as required for file and record purposes.

6. Section 827.791 and 827.792 are amended and § 827.793 is revoked, as follows:

§ 827.791 *Assignment of property to Disposal Agencies.* Assignment of property to Disposal Agencies is set forth in this section as published in Surplus Property Administration Regulation No. 1, Order 1, dated November 10, 1945, under the following prefatory note:

**ASSIGNMENT OF SURPLUS PROPERTY**

There is hereby assigned to the Government disposal agencies named below such items or types of surplus property located in the continental United States as are listed under the name of each agency. The items or types of surplus property listed below under the name of each disposal agency are included within the class of surplus property assigned to each agency for disposal in this part. The code numbers used herein are those of the Standard Commodity Classification (U. S. Government Printing Office) to Volume I of which reference must be made for a complete list of the items or types of surplus property assigned by means of the code number."

## PART 1—CRUDE MATERIALS

R. F. C. (Capital and producers' goods)	R. F. C. (Consumer goods)	Agriculture	R. F. C. (Capital and producers' goods)	R. F. C. (Consumer goods)	Agriculture
03 Crude animal products inedible, except fibers.  05-5 Crude rubber and al- lied gums. 05-628 Lac. 05-7 Crude medicinal herbs, roots, barks, and other plant parts, except U. S. P., N. F., and similar grades. 05-93 Crude cork. 05-94 Loofa sponges.	01 Live animals, other than food animals.	01 Live animals, except nonfood animals. 02 Crude animal prod- ucts, edible.  04 Crude vegetable products, edible. 05 Crude vegetable products, inedible, ex- cept fibers (except as indicated).	06 Fibers, vegetable and animal, unmanufactured (except domestically pro- duced wool and mohair).  07 Coal, crude petroleum, and related crude hydro- carbons. 08 Metallic ores, tailings, concentrates and their un- refined metallic products. 09 Crude nonmetallic min- erals, except coal and pe- troleum.		06-1 Cotton. 06-22 Flax (only do- mestic production). 06-23 Hemp (cannabis sativa). 06-5 Wool and related specialty hair (domes- tically produced wool and mohair only).

## PART 2—BASIC MATERIAL AND PRODUCTS

11 Leather. 12 Boot and shoe cut stock and shoe findings. 13 Wood basic materials, ex- cept pulpwood (except as indicated). 14-1 Pulpwood. 14-2 Paperbase stocks ex- cept pulp. 14-3 Woodpulp. 14-4 Other pulp. 14-6 Building paper. 14-8 Building board. 15-2 Jute basic textiles. 15-66 Curled hair (similar to 06-7). 15-71 Silk semi-manufac- tures. 15-72 Silk yarn. 15-81 Rayon, nylon, etc., semi-manufactures. 15-82 Rayon, nylon, etc., yarn. 15-912 Jute cordage except sizes less than one-quarter inch cross-sectional diam- eter. 15-913 Soft fiber cordage ex- cept sizes less than one- quarter inch cross-sectional diameter. 15-914 Hard fiber cordage and twine (all). 16-52 Industrial molasses.  17-6 Floral absolutes, con- cretes and mixtures of es- sential and floral oils. 17-7 Waxes, animal and vegetable. 18 Petroleum and coal products except raw mate- rials for chemical indus- tries. 19 Chemicals.  21 Iron, and iron and steel scrap (except as indicated). 22 Steel (except as indi- cated). 23 Ferro and nonferrous additive alloys. 24 Nonferrous metals (ex- cept as indicated).  25 Fabricated metal basic products (except as indi- cated).	13-92 Rattan, willow, and bamboo stock. 13-97 Handles. 14 Pulp, paper and paper board (except as indi- cated).  15 Textile basic manufac- tures (except as indicated).  17-5 Essential oils (pack- aged for veterinary or medicinal use only).  21-632 Cast iron soil pipe. 21-6412 Soil pipe fittings. 22-52 Barbed and twisted wire.  24-82 Gold and gold-base alloy basic shapes and forms.  25-42 Truck tanks. 25-51 Builders' basic hard- ware. 25-54 Motor vehicle hard- ware. 25-56 Casket hardware.	16 Food and beverage basic materials (except as indicated). 17 Oils, fats, waxes and derivatives, animal and vegetable (except as indicated).  19-271 Rosins. 19-272 Turpentine. 19-274 Pine oil. 19-275 Pine pitch. 19-276 Pine tar.  26 Nonmetallic mineral basic products—chiefly structural (except as indi- cated). 27 Nonmetallic mineral basic products—chiefly non-structural (except as indicated).  29 Miscellaneous basic ma- terials (except as indicated).	25-57 Furniture hardware. 25-58 Trunk and luggage hardware. 25-59 Miscellaneous basic hardware. 25-61 Automotive vehicle bodies. 25-64 Combat vehicle bodies. 25-75 Insect screening. 25-76 Woven wire fencing. 25-77 Wire nails, tacks and staples. 25-78 Wire springs. 25-7901 Wire chain. 25-7903 Chain link fencing. 25-7906 Wire hoops. 25-91 Chain and attach- ments. 25-94 Bolts, nuts, screws, rivets, etc. 25-98 Cut nails, tacks and spikes. 25-99 Miscellaneous fabri- cated products. 26-3 Glass basic products.  27-1 Glass basic products (except 3 items): 27-1431 Railroad signal lenses. 27-152 Radio tubes (glass only). 27-16 Insulators. 27-32 Asbestos and asbestos metallic packing and gas- kets. 27-33 Asbestos woven or moulded friction material. 27-376 Asbestos paper pipe covering insulation. 27-381 Pipe covering insu- lation. 27-92 Pottery. 27-93 Pottery supplies. 27-94 Ceramic products. 29-1 Rubber fabricated ma- terials (except item 29-12 reclaimed rubber). 29-2 Plastic fabricated ma- terials to be used as com- ponents of end products (except items 29-22 plastic electrical fittings; 29-23 plastic construction and maintenance products, less 29-2306 door and window screening; and 29-24 plastic glass). 29-8 Imitation gem and or- namental stones. 29-91 Button blanks, moulds, and other parts. 29-92 Beads, bugles, and spangles. 29-95 Catgut and wormgut.
--	---	---	---

R. F. C. (Capital and producers' goods)	R. F. C. (Consumer goods)	Maritime Commission	R. F. C. (Capital and producers' goods)	R. F. C. (Consumer goods)	Maritime Commission
31 General purpose industrial machinery and equipment (except as indicated).	31-21142 Compressors, air, portable, skid or wheel mounted, two stage, powered by gasoline or diesel motors, capacities 50 to 500 cubic feet. 31-222-31-225 Pumps, portable, centrifugal, plunger diaphragm or sump, powered by gasoline diesel or electric motors ordinarily used for contractors' purposes or by contractors. 31-226 Hand pumps. 31-31 Crushers jaw, roll and crushing plants portable type (except 31 3150—stamp mills and 31 3160—pick-type breakers). 31-36 Screening plants, portable type. Screens rotary, vibrator and gravity type. 31-493-31-4931 Conveyors, construction material, portable type; and portable plants. 31-570 Derricks. 31-582 Winches (except fixed shipboard or exclusive marine winches). 31-6 Industrial trucks, tractors, trailers, stackers and accessories. 31-97 Lubrication equipment—to the extent the items are for use in connection with motor vehicles. 32-412 Battery charging generators (except aircraft). 32-432 Starter motors except aircraft. 32-45 Motor ignition equipment (except aircraft). 32-51 Fuses. 32-53 Lamp sockets. 32-7 Lamps (except 32-73 aviation service lamps). 32-8 Electric appliances, household and commercial. 32-91 Dry cell batteries. 32-92 Storage batteries. 33-122 Peeling and paring machines. 33-124 Pitters, seeders and stemmers. 33-127 Juice extractors. 33-1313 Milk coolers. 33-1322 Butter cutters. 33-133 Ice cream manufacturing machinery and equipment. 33-193 Food products machinery of general purpose. 33-54 Tire repairing machinery and equipment. 33-733 Bakery ovens. 33-995 Automobile service station equipment.	31-582 Fixed shipboard or exclusive marine winches. 31-583 Anchor—windlasses. 31-884 Capstans.	42 Aircraft (except as indicated).  44 Railroad transportation equipment.  52-92 Industrial refrigeration units. 52-12 Central station air conditioning systems. 53-32 Railroad signal fixtures. 53-7 Airport, airway and seadrome lighting. 53-81 Train lighting fixtures. 53-86 Aircraft lighting fixtures.  55-12 Aerial cameras. 55-13 Gun cameras. 55-15 Camera parts (aerial only). 55-313 Aerial camera lenses. 55-8 Motion pictures (instructional aids for equipment assigned to RFC).  57 Indicating, recording and controlling instruments and accessories except watches and clocks (except as indicated).  59-15 Hazard measuring devices. 59-18 Machine guards. 59-20 Water purification equipment except 59-241, home water softeners. 59-3 Sewage disposal equipment. 59-55 Sprinkler system components. 59-77 Railroad signal controls. 59-78 Industrial process supervisory systems.	42-8 Flight equipment for personnel.  45 Motor vehicles. 49 Miscellaneous transportation equipment. 51 Plumbing and heating equipment. 52 Air conditioning and refrigeration equipment (except as indicated).  53 Lighting fixtures (except as indicated).  54 Furniture and fixtures. 55 Photographic goods and processed motion pictures (except as indicated).  56 Optical instruments and apparatus. 57-112 Glass stemmed laboratory thermometers. 57-113 Glass stemmed clinical thermometers. 57-114 Household and commercial thermometers. 57-119 Thermometers not elsewhere classified. 57-14 Heating and ventilating controls and accessories. 57-33 Barometers (domestic household types). 57-34 Refrigeration controls. 57-56 Taximeters and parking meters. 57-65 Compasses and accessories (except fixed shipboard types and aircraft types). 58 Professional and scientific instruments and apparatus. 59 Miscellaneous equipment (except as indicated).  65 Drugs and medicines (except as indicated).  66 Toiletries, cosmetics, soap, and household chemical preparations.	43 Ships, small water craft and marine propulsion machinery (except items 43-21 battleships, 43-22 cruisers, 43-23 aircraft carriers, 43-24 destroyers and 43-25 submarines).  53-2 Marine fixtures.  57-65 Compasses and accessories (fixed shipboard types). 57-66 Azimuths, sextants and octants. 57-691 Taff Rail Logs.  59-16 Water safety equipment.  <i>Agriculture</i> 61 Food, manufactured. 62 Feed, manufactured. 63 Beverages and ice. 64 Tobacco manufactures. 65-481 Marine liver oil, derivatives, and preparations, except marine liver oil concentrates in solution, m. g. 65-68 Vitamins, vitamin-active compounds and preparations containing one and more than one vitamin, m. g.
32 Electrical machinery and apparatus (except as indicated).					
33 Special industrial machinery.					
34 Metal working machinery.					
36-31 Oil well machinery.					
39 Miscellaneous machinery.					
41 Communications equipment and electronic devices (except as indicated).					

## PART 3—END PRODUCTS—Continued

R. F. C. (Capital and producers' goods)	R. F. C. (Consumer goods)	Maritime Commission	R. F. C. (Capital and producers' goods)	R. F. C. (Consumer goods)	Maritime Commission
73-13 Books and pamphlets (instructional aids for equipment assigned to RFC).	67 Apparel, except footwear. 68 Footwear. 69 Fabricated textile products except apparel. 71 End products of leather except apparel, footwear and luggage. 72 Converted paper products and pulp goods. 73 Products of printing and publishing industries (except as indicated).		82 Artillery, Naval Guns, Mortars and Components.	79 Miscellaneous end products of manufacturing industries (except as indicated). 81 Small arms and components. 83 Small arms ammunition and specifically adapted components.	79-974 Life preservers. 79-975 Buoys.
75-7481 High pressure cylinders.	74 Rubber end products. 75 End products of metal industries (except as indicated).	75-953 Cargo nets, wire rope. 75-954 Wire rope slings. 76-93 Rafts, floats, belts and buoys.	84 Artillery, naval and mortar ammunition and specifically adapted components. 85 Aerial bombs and specifically adapted components. 86 Miscellaneous ammunition and related products. 87 Common components of ammunition. 88 Fire control equipment. 89 Miscellaneous ordnance and ordnance matériel.		
76-51 Lasts for boots and shoes. 76-52 Last sole patterns.	76 Finished wood products, except furniture and mill work (except as indicated). 77 End products of glass, clay and stone.				

The assignments made to each Disposal Agency in the manner detailed above, through the use of the Standard Commodity Classification code numbers, are intended to be in aid of and supplementary to the assignment of the general classes of property made in § 8301.3 of Regulation No. 1 of the Surplus Property Administration. If, therefore, items fall within a general class of property assigned by Regulation No. 1 but the items are not listed in the Standard Commodity Classification, they are assigned to the Disposal Agency to which the general class of property is assigned. Similarly, where Order No. 1 assigns an item of property to one Disposal Agency (for example, winches) and the Standard Commodity Classification does not disclose that certain types of that same item are within the general class of property assigned to another Disposal Agency (for example, marine winches) such types shall be disposed of by the latter Disposal Agency.

§ 827.792 *Regional Offices of Reconstruction Finance Corporation to which declarations of surplus property will be submitted.*

## CONSUMER GOODS

## Area and address

*Region I:* Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. Washington Essex Building, 600 Washington Street, Boston 11, Mass.

*Region II:* New Jersey, New York. Office of Surplus Property, 350 5th Avenue, 61st Floor, New York 1, N. Y.

*Region III:* District of Columbia, Delaware, Maryland, Pennsylvania, Virginia. 5th and Chestnut Streets, Philadelphia, Pa.

*Region IV:* Indiana, Kentucky, Ohio, West Virginia. 704 Race Street, Cincinnati 2, Ohio.

*Region V:* Illinois, Michigan, Minnesota, North Dakota, South Dakota, Wisconsin. Room 300, 209 South La Salle St., Chicago 4, Ill.

*Region VI:* Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee. Belle Isle Bldg., 105 Prior Street, N. E., Atlanta 3, Ga.

*Region VII:* Arkansas, Louisiana, Oklahoma, Texas. 609 Neil P. Anderson Bldg., Fort Worth 2, Tex.

*Region VIII:* Iowa, Kansas, Missouri, Nebraska. 2605 Walnut St., Kansas City 8, Mo.

*Region IX:* Colorado, New Mexico, Utah, Wyoming. 7th Floor, Exchange Bldg., 1030 15th St., Denver 2, Colo.

*Region X:* Arizona, California, Nevada. 30 Van Ness Ave., San Francisco 2, Calif.

*Region XI:* Idaho, Oregon, Montana, Washington. 2005 5th Avenue, Seattle 1, Wash.

## CAPITAL AND PRODUCERS' GOODS

(Except Aircraft and Aircraft Parts and Electronic Equipment)

## Area and address

*Atlanta Region:* Georgia, Alabama, Tennessee, Florida. Healey Building, Atlanta 3, Ga.

*Boston Region:* Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, (except Fairfield County). 10 Post Office Square, Boston, Mass.

*Charlotte Region:* North Carolina, South Carolina. 317 Tryon St., Charlotte 2, N. C.

*Chicago Region:* Illinois, Northern part, consisting of the following counties: Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, DeKalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago and Woodford. 208 South La Salle Street, Chicago 4, Ill.

*Chicago Region:* Indiana, Northern part, consisting of the following counties: Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clay, Clinton, Dearborn, Decatur, De Kalb, Delaware, Elkhart, Fayette, Fountain, Franklin, Fulton, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jasper, Jay, Jennings, Johnson, Kosciusko, Lagrange, Lake, La Porte, Madison, Marion, Marshall, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Owen, Parke, Porter, Pulaski, Putnam, Randolph, Ripley, Rush, St. Joseph, Shelby, Starke, Steuben, Tippecanoe, Tipton, Union, Vermillion, Vigo, Wabash, Warren, Wayne, Wells, White and Whitley. 208 South La Salle Street, Chicago 4, Ill.

*Chicago Region:* Wisconsin, Southern part, consisting of the following counties: Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson,

Juneau, Kenosha, Kewaunee, Lafayette, Langlade, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago and Wood. 208 South La Salle Street, Chicago 4, Ill.

*Chicago Region:* Iowa—Entire State. 208 South La Salle Street, Chicago 4, Ill.

*Cleveland Region:* Ohio; Kentucky—Eastern section—consisting of the following counties: Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe and Woodford. Empire Bldg., Cleveland 1, Ohio.

*Cleveland Region:* Pennsylvania, Western part, consisting of the following counties: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest Green, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington and Westmoreland. Empire Bldg., Cleveland 1, Ohio.

*Cleveland Region:* West Virginia, Northwestern part, consisting of the following counties: Brooke, Hancock, Marshall, Ohio, Tyler, and Wetzel. Empire Bldg., Cleveland 1, Ohio.

*Dallas Region:* Texas, Northern and Western parts, consisting of the following counties: Andrews, Archer, Armstrong, Bailey, Baylor, Bell, Borden, Bosque, Bowie, Briscoe, Brown, Burnet, Callahan, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, El Paso, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Bartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lampasas, Leon, Limestone, Lipscomb, Loving, Lubbock, Lynn, McCulloch, McLennan, Marion, Martin, Menard, Midland, Milam,

Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Rains, Randall, Reagan, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Rusk, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Upshur, Upton, Van Zandt, Ward, Wheeler, Wichita, Winkler, Willbarger, Williamson, Wise, Wood, Yoakum, and Young. Cotton Exchange Bldg., Dallas 1, Texas.

**Dallas Region:** Oklahoma, Southeastern part, consisting of the following counties: Atoka, Bryan, Choctaw, Coal, Johnston, McCurtain, Marshall, Pushmataha. Cotton Exchange Bldg., Dallas 1, Tex.

**Dallas Region:** New Mexico, Southern part, consisting of the following counties: Catron, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Hidalgo, Lea, Lincoln, Luna, Otero, Quay, Roosevelt, Socorro, Sierra, and Torrance. Cotton Exchange Bldg., Dallas 1, Tex.

**Dallas Region:** Arizona, Southeastern part, consisting of the following counties: Cochise, Graham, Greenlee, Pima, and Santa Cruz. Cotton Exchange Bldg., Dallas 1, Tex.

**Denver Region:** Colorado; New Mexico, Northern part, consisting of the following counties: Bernalillo, Colfax, Harding, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Union, and Valencia. Boston Building, Denver 2, Colo.

**Detroit Region:** Michigan—the following counties of Michigan (excluding upper Peninsula): Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Leapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford. 607 Shelby Street, Detroit 26, Mich.

**Houston Region:** Texas, Southeastern part, consisting of the following counties: Anderson, Angelina, Austin, Bastrop, Brazoria, Brazos, Burleson, Calhoun, Chambers, Cherokee, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Refugio, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Victoria, Walker, Waller, Washington, and Wharton. Rusk Bldg., 723 Main Street, Houston 2, Tex.

**Kansas City Region:** Kansas; Missouri—Western part—consisting of the following counties: Andrew, Atchison, Barton, Bates, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth. Dierks Bldg., Kansas City 6, Mo.

**Kansas City Region:** Oklahoma—except 8 counties in Southeastern part—consisting of the following counties: Adair, Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Carter, Cherokee, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McIntosh, Major, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward. Dierks Bldg., Kansas City 6, Mo.

**Los Angeles Region:** California, Southern part, consisting of the following counties: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura. Pacific Mutual Bldg., Los Angeles 14, Calif.

**Los Angeles Region:** Arizona—the following counties of Arizona (excluding the Southeastern part): Apache, Coconino, Gila, Maricopa, Mohave, Navajo, Pinal, Yavapai, and Yuma. Pacific Mutual Bldg., Los Angeles 14, Calif.

**Minneapolis Region:** Minnesota, North Dakota, South Dakota; Michigan—Upper Peninsula—consisting of the following counties: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft. McKnight Building, Minneapolis 1, Minn.

**Minneapolis Region:** Wisconsin—Northern Part—consisting of the following counties: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, La Crosse, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, and Washburn. McKnight Bldg., Minneapolis 1, Minn.

**New Orleans Region:** Louisiana and Mississippi. Richards Bldg., 837 Gravier St., New Orleans, La.

**New York Region:** New York, Connecticut (Fairfield County only); New Jersey (Northern Part), consisting of the following counties: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren. 70 Pine St., New York 5, N. Y.

**Omaha Region:** Nebraska and Wyoming. Woodmen of the World Bldg., Omaha 2, Nebr.

**Philadelphia Region:** Delaware; Pennsylvania—the following counties of Pennsylvania (excluding the Western Part): Adams, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wyoming, Wayne, and York. 1528 Walnut St., Philadelphia 2, Pa.

**Philadelphia Region:** New Jersey; Southern Part, consisting of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem. 1528 Walnut St., Philadelphia 2, Pa.

**Portland Region:** Oregon—entire State (except the counties of Klamath and Lake in Central Southern Part); Washington, Southwestern Part, consisting of the following counties: Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum. Fenton Bldg., Portland 5, Ore.

**Portland Region:** Montana; Washington, Eastern Part, consisting of the following counties: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima. Fenton Bldg., Portland 5, Ore.

**Portland Region:** Idaho, Northern Part, consisting of the following counties: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone. Fenton Bldg., Portland 5, Ore.

**Richmond Region:** Maryland, Virginia, District of Columbia; West Virginia, Southern Part, consisting of the following counties: Barbour, Berkeley, Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, McDowell, Marion, Mason, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan, Nicholas, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Wayne, Webster, Wirt, Wood, and

Wyoming. Richmond Trust Bldg., 7th and Main Sts., Richmond 19, Va.

**St. Louis Region:** Missouri—Eastern Part—consisting of the following counties: Adair, Audrain, Barry, Benton, Bollinger, Boone, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clark, Cole, Cooper, Crawford, Dade, Dallas, Daviess, Dent, Douglas, Dunkin, Franklin, Gasconade, Greene, Grundy, Harrison, Henry, Hickory, Howard, Howell, Iron, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Warren, Washington, Wayne, Webster, and Wright. St. Charles Bldg., St. Louis 2, Mo.

**St. Louis Region:** Illinois, Southern Part, consisting of the following counties: Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richmond, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, and Williamson. St. Charles Bldg., St. Louis 2, Mo.

**St. Louis Region:** Indiana, Southwestern Part, consisting of the following counties: Daviess, Dubois, Gibson, Greene, Knox, Martin, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick. St. Charles Bldg., St. Louis 2, Mo.

**St. Louis Region:** Indiana, Southeastern Part, consisting of the following counties: Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Lawrence, Orange, Perry, Scott, Switzerland, and Washington. St. Charles Bldg., St. Louis 2, Mo.

**St. Louis Region:** Arkansas. St. Charles Bldg., St. Louis 2, Mo.

**St. Louis Region:** Kentucky, Western Part, consisting of the following counties: Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calhoun, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, and Webster. St. Charles Bldg., St. Louis 2, Mo.

**Salt Lake City Region:** Utah; Idaho, Southern Part, consisting of the following counties: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington. Dooly Bldg., Salt Lake City 1, Utah.

**Salt Lake City Region:** Nevada, Eastern Part, consisting of the following counties: Clark, Elko, Lincoln, and White Pine. Dooly Bldg., Salt Lake City 1, Utah.

**San Antonio Region:** Texas, Southern Part, consisting of the following counties: Aransas, Atascosa, Bandera, Bexar, Blanco, Brewster, Brooks, Caldwell, Cameron, Comal, DeWitt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Nueces, Presidio, Real, San Patricio, Starr, Terrell, Travis, Uvalde,

Val Verde, Webb, Willacy, Wilson, Zapata, and Zavala. Transit Tower Bldg., San Antonio 5, Tex.

**San Francisco Region:** California, Northern Part, consisting of the following counties: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba. Barneson Bldg., 256 Montgomery St., San Francisco, Calif.

**San Francisco Region:** Nevada—the Western part—consisting of the following counties: Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Ormsby, Pershing, Storey, and Washoe. Barneson Bldg., 256 Montgomery St., San Francisco, Calif.

**San Francisco Region:** Oregon, Southern part, consisting of the following counties: Klamath, and Lake. Barneson Bldg., 256 Montgomery St., San Francisco, Calif.

**Seattle Region:** Washington, Western Part, consisting of the following counties: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom. Central Bldg., Seattle 4, Wash.

#### PART 828—REPORTS WITH RESPECT TO DISPOSITION OF PERSONAL PROPERTY

1. Sections 828.801-3 to 828.801-5, inclusive, are amended to read as follows:

##### § 828.801-3 *Army Air Forces reports.*

(a) The Director, ATSC, Supply Division, Army Air Forces, will submit to the Office, Assistant Chief of Air Staff-4, Readjustment Division, the original and two copies of a report covering the status and activity of excess and surplus Army Air Forces military property. For the purpose of this report, all property reported through the ATSC, will be considered as military property. Property will be determined excess at the time of transfer to Class 27A, and will be considered to have been determined surplus when disposal action, as recorded in Section II of the report form, has been accomplished.

(b) The Commanding General, Army Air Forces (the Assistant Chief of Air Staff-4, Readjustment Division) will submit to the Readjustment Division the original and one copy of a consolidated report covering the status and activity of Army Air Forces excess and surplus military property, including that reported by the ATSC, and surplus aircraft and related property reported by him under the provisions of § 827.721-2 of this subchapter, and one copy of the report received by him from the ATSC.

##### § 828.801-4 *Service command reports.*

(a) Each station commander (including commanders of off-station repair facilities) will submit to the commanding general of each service command a report covering the status and activity of the following types of military property for his station or repair facility:

(1) All excess and surplus property under the jurisdiction of the commanding general of the service command, of a nature as set forth in Section VI of ASF Manual M-419, except excesses and surpluses resulting from Army Specialized Training Program and Army Air Forces College Training contract terminations;

(2) All salvage property declared to disposal agencies by station salvage officers under the provisions of TM 38-505.

(b) Each station commander of class I and II installations will in addition report all excess and surplus military property under station accountability for which he has been delegated disposal responsibility by the supplying depot or chief of the technical service.

(c) The commanding general of each service command and the Military District of Washington will submit the original and two copies of a consolidated report for his command, including all stations under his jurisdiction to the Readjustment Division. This report will cover the status and activity of all excess and surplus military property for which the commanding general of the service command has disposition responsibility.

##### § 828.801-5 *Technical service reports.*

(a) Each commander of a repair facility, returned materiel center, depot, or arsenal, under the jurisdiction of a technical service, will submit a report through channels to the chief of the technical service, covering the status and activity of excess and surplus military property for which he is accountable.

(b) The chief of each technical service will submit to the Readjustment Division the original and two copies of a consolidated report covering the status and activity of excess and surplus military property for which he has disposition responsibility. The chief of each technical service will be responsible for reporting all technical service excess and surplus military property for which he has accountability, regardless of the echelon in which the property is physically stored.

2. Section 828.801-8 is amended to read as follows:

§ 828.801-8 *Information required on report form; Section III—Disposal Agencies summary.* (a) The succeeding paragraphs indicate the information to be contained in the various lines of the report form:

Line 30. *Awaiting delivery orders.* Enter the cost of property declared to disposal agencies in previous months for which shipping or other disposition orders had not been received at the beginning of the report period. Those figures will be identical with those reported on line 38 of the report for the preceding report period.

Line 31. *Gross declarations.* Enter the cost of property declared to disposal agencies during the report period on Forms SPB-1.

Line 32. *Corrections.* Enter the cost of adjustments to prior declarations reported on Forms SPB-1.1 during the report period. This amount will not include the withdrawal of items previously declared. If accountability is transferred to another service after it has been included in line 30, such accountability transfers will be treated as corrections.

Line 33. *Net declarations.* Enter line 31, plus or minus line 32. The amount shown on this line must agree with that of line 21, column (G).

Line 34. *Withdrawals.* Enter the cost of approved withdrawals from disposal agencies during the report period, as reported on Forms SPB-1.1 prepared for this purpose during the report period.

Line 35. *Available to disposal agencies.* Enter the sum of lines 30 and 33 minus line 34.

Line 36. *Scrap orders received.* Enter the cost of property previously declared to a disposal agency for which the disposal agency has submitted a certificate that the property declared is scrap and should be so treated by the owning agency.

Line 37. *Delivery orders received.* Enter the cost of property for which shipping or disposition orders, other than scrap orders, were received during the report period.

Line 38. *Awaiting delivery orders.* Enter the cost of property declared to disposal agencies for which shipping or other disposition orders had not been received at the end of the report period. This is line 35 minus the sum of lines 36 and 37.

3. Sections 828.802-3 to 828.802-5, inclusive, are amended to read as follows:

§ 828.802-3 *Army Air Forces reports.* The Commanding General, Army Air Forces, will submit the original and one copy of a report covering the status and activity of property for which he has disposition responsibility and one copy of each immediately lower echelon report. For the purpose of this report, all property other than contractor inventory reported through the Procurement Division, ATSC, will be considered as nonmilitary property.

§ 828.802-4 *Service command reports.* The commanding general of each service command and of the Military District of Washington will submit the original and one copy of a report covering the status and activity of property for which he has disposition responsibility. For the purpose of this report, ASTP and CTP property will be considered as nonmilitary property.

§ 828.802-5 *Technical service reports.* The chief of each technical service will submit the original and one copy of a report covering the status and activity of property for which he has disposition responsibility and one copy of each immediately lower echelon report.

4. Section 828.802-8 is amended to read as follows:

§ 828.802-8 *Information required on report form; Section III—Disposal Agencies summary.* (a) The succeeding paragraphs indicate the information to be contained in the various lines of the report form:

Line 30. *Awaiting delivery orders.* Enter the cost of property declared to disposal agencies in previous months for which delivery orders had not been received at the beginning of the report period. Those figures will be identical with those reported on Line 38 of the report for the preceding report period.

Line 31. *Gross declarations.* Enter the cost of property declared to disposal agencies during the report period on Forms SPB-1.

Line 32. *Corrections.* Enter the cost of adjustments to prior declarations reported on Forms SPB-1.1 during the report period. This amount will not include the withdrawal of items previously declared. If accountability is transferred to another service after it has been included on line 30, such accountability transfers will be treated as corrections.

Line 33. *Net declarations.* Enter line 31, plus or minus line 32. The amount shown on this line must agree with that of line 21, column (G).

Line 34. *Withdrawals.* Enter the cost of approved withdrawals from disposal agencies during the report period, as reported on Forms SPB-1.1 prepared for this purpose during the report period.

Line 35. Available to disposal agencies. Enter the sum of lines 30 and 33 minus line 34.

Line 36. Scrap orders received. Enter the cost of property previously declared to a disposal agency for which the disposal agency has submitted a certificate that the property declared is scrap and should be so treated by the owning agency.

Line 37. Delivery orders received. Enter the cost of property for which shipping or disposition orders, other than scrap orders, were received during the report period.

Line 38. Awaiting delivery orders. Enter the cost of property declared to disposal agencies for which shipping or other disposition orders had not been received at the end of the report period. This is line 35 minus the sum of lines 36 and 37.

[Procurement Reg. 7-A]

#### PART 830—GENERAL DISPOSITION OF INDUSTRIAL INSTALLATIONS

Part 830 is amended to read as follows:

§ 830.100 *Scope of Parts 830 and 831 to 839, inclusive.* (a) Parts 830 and 832 to 839, inclusive, establish policies and procedures for the classification and disposition of standby, excess, and surplus industrial installations located within the continental United States, which are on land owned by or leased to the War Department. Such installations include arsenals; installations acquired under supply contracts, emergency plant facilities contracts and special facilities contracts; and industrial material testing and proving grounds.

(b) Parts 830 and 832 to 839, inclusive, do not cover machine tools, production equipment, or other equipment located in private facilities; command installations; facilities acquired for civil functions of the War Department; or industrial installations owned by the Reconstruction Finance Corporation, Office of Defense Plants (formerly Defense Plant Corporation).

(c) Facilities acquired under Emergency Plant Facilities contracts wherein the Government has no right to acquire any interest in real property are covered in Subpart F of Part 848 of this chapter; facilities acquired under Emergency Plant Facilities contracts wherein the Government has the right to acquire title to the land are covered by Parts 830 and 832 to 839, inclusive, and are treated as Government-owned installations; facilities acquired under Emergency Plant Facilities contracts wherein the Government has the right to acquire a leasehold interest in land are treated as leased installations under Part 835 of this subchapter.

§ 830.101 *War Department policy.* The policy of the War Department is to prevent retention of excess industrial installations, to effect the prompt return to productive use of idle industrial installations, to aid the disposal agencies in disposing of surplus industrial installations to the fullest extent provided by the regulations of the Surplus Property Administration, and to limit sales of surplus installations by the War Department to cases in which the War Department is clearly responsible for direct disposals.

§ 830.102 *Definitions.* As used in Parts 830 and 832 to 839, inclusive, the

following terms shall have the following meanings.

§ 830.102-1 *Active.* "Active" is a term used to describe the status of an installation currently in production, or being constructed or modified for immediate production needs. The term "active" is also used to describe an installation used for industrial storage.

§ 830.102-2 *Disposal agency.* "Disposal agency" means any Government agency designated by the Surplus Property Administration to dispose of industrial installations.

§ 830.102-3 *Excess.* "Excess" is a term used to describe the status of an installation that has been determined by the using service to be no longer needed for its production requirements, or, if an approved industrial storage installation, no longer needed for storage.

§ 830.102-4 *Government-owned CPFF plant.* "Government-owned CPFF plant" means a complete facility owned by the Government and under the jurisdiction of the War Department which has been, or is, operated in whole or in part by a contractor under a cost-plus-a-fixed-fee contract. It consists of Government-owned land, buildings, and equipment, and may also include supplies and materials.

§ 830.102-5 *Improvements.* The term "improvements" includes Government-owned buildings, fixtures facilities and equipment located on any industrial installation.

§ 830.102-6 *Industrial installation or installation.* "Industrial installation" or "installation" means any unit of real property (or reasonably separable portion thereof), including its related production equipment, primarily used or useful for the production of material, munitions, or supplies, or for closely related functions. It includes all lands and interests therein, leaseholds, buildings, structures, improvements, and appurtenances which are not a part of command installations. It includes housing which is an integral part of an installation.

§ 830.102-7 *Readily severable.* "Readily severable" means capable of being removed and sold without substantial damage to either the property being removed or the premises.

§ 830.102-8 *Standby.* "Standby" is a term used to describe the status of an installation not currently in use, but which the War Department desires to keep in readiness to resume production, if necessary.

§ 830.102-9 *Surplus.* "Surplus" is a term used to describe the status of an installation that has been determined by the War Department to be no longer needed for its immediate or foreseeable requirements and responsibilities.

§ 830.102-10 *Using service.* "Using service" means that component of the War Department (a technical service of the Army Service Forces or the Army Air Forces) directly accountable for and charged with command jurisdiction over a specific installation.

§ 830.103 *Dismantling and removal of equipment.* Installations will not, in general, be dismantled, except: (a) to remove production equipment or materials needed for other war purposes, including war reserve and modernization, (b) to provide space for other manufacturing operations, (c) to meet storage requirements for military property, or (d) to make the property safe by decontamination or other means. If it is necessary to raze buildings or structures, the approval of the Chief of Engineers will first be obtained, as provided in section III, WD Circular 195, 1944, except as provided in § 833.304 of this subchapter.

§ 830.104 *Disposals in advance of excess or surplus.* (a) Sales of installations while still active are to be encouraged: *Provided*, That the continuation of war production is assured for as long as the war Department requires. When a purchase inquiry is received, the using service will refer the prospective buyer to the disposal agency and will inform the Readjustment Division, Army Service Forces, of its action. Upon receipt of this information, the Readjustment Division will notify the Chief of Engineers that the property is under consideration for disposal.

(b) The Readjustment Division, Army Service Forces, on request of the disposal agency to which a purchase inquiry has been referred, will ascertain, by coordination with the Production and Purchases Division, Army Service Forces (in the case of the Army Air Forces, the Assistant Chief of Air Staff-4, Readjustment Division) and the using service, the need for continuing war production at the installation, the availability of the property for inspection, the terms of any options, and the probable date the installation will become surplus. If requested by the disposal agency, the Readjustment Division, Army Service Forces, will arrange, with consent of the using service, for field inspection of the installation by prospective buyers.

(c) When advised by the disposal agency that an advance disposal is ready to be made, the Readjustment Division, Army Service Forces, will request the using service to consent to disposal of the installation, subject to conditions determined by the using service to be necessary to protect the War Department's interest in continued production. When the using service consents to disposal of the installation, the using service will forward a statement to the Under Secretary of War stating the conditions on which the consent is given and will send copies of this statement to the Production and Purchases Division and the Readjustment Division, Army Service Forces. If the Under Secretary consents to the disposal, he will direct the Chief of Engineers to declare the installation surplus, subject to such conditions as the Under Secretary of War may determine.

#### PART 832—REPORTING AND DISPOSITION OF EXCESS AND STANDBY INSTALLATIONS; CUSTODY AND ACCOUNTABILITY

Part 832 is amended to read as follows:

§ 832.200 *Classification and reporting of installations as standby or excess.*

§ 832.201-1 *Duty to classify and report.* Each using service will maintain constant surveillance over the utilization of all installations under its control. Within 20 days from the time an installation, or reasonably separable portion thereof, ceases to be active, the using service will classify and report such property to the Chief of Engineers.

§ 832.201-2 *Reporting of installations classified as standby.* (a) When an installation is classified as standby, the using service will submit a report to the Chief of Engineers through the Production and Purchases Division, Army Service Forces, or in the case of Army Air Forces, through the Assistant Chief of Air Staff-4, Readjustment Division. The report will contain the following information:

- (1) Name and location of the installation;
- (2) Date the installation was classified as standby;
- (3) Justification for retention, including:

(i) The program for which the installation is being retained;

(ii) Estimated period of retention;

(iii) End items produced by the installation on or about August 15, 1945;

(iv) Number of square feet of production space.

(4) Whether any person of the installation is available for use by agencies other than the using service or for lease to private manufacturers for civilian production;

(5) Estimated time required by using service to put installation in production.

(b) Upon receipt of a report of standby the Production and Purchases Division, Army Service Forces, or, in the case of the Army Air Forces, the Assistant Chief of Air Staff-4, Readjustment Division, will recommend within ten (10) days whether the classification as standby should be approved or modified. If the classification is approved the respective staff divisions will forward a report to the Under Secretary of War; if the Under Secretary of War approves the classification he will forward a report to the Chief of Engineers, with copies to the using service, the Production and Purchases Division and the Readjustment Division, Army Service Forces. If the classification is disapproved the report will be returned to the using service with appropriate instructions.

§ 832.200-3 *Reporting of excess installations.* (a) When a using service, other than the Army Air Forces, classifies an industrial installation as excess to its production requirements and desires to utilize the installation for industrial storage purposes, or as a command installation, it will so indicate in a report of excess submitted to the Chief of Engineers, with copies to the Production and Purchases Division and the Readjustment Division, Army Service Forces. If the Army Air Forces desires to use an industrial installation under its jurisdiction as a command installation, the procedure set out in § 832.201-2 (c) will be followed. The report will contain the following information:

- (1) Location and identification of the excess installation, with statement as to

whether it includes production equipment or whether land, or buildings and land, alone are involved;

(2) Purpose for which the installation is used;

(3) Proposed use of the installation;

(4) Length of time for which the installation will be used as proposed in (3) above;

(5) Any additional information, such as commitments to other War Department agencies or other governmental elements, which aids in redistribution or disposition;

(6) The responsible field office which will, when requested, coordinate with representatives of the Chief of Engineers and other interested elements.

(b) When a using service classifies an industrial installation as excess to its production or industrial storage requirements it will so indicate in a report to the Chief of Engineers, with copies as indicated in paragraph (a) above. The report will contain the information shown under paragraph (a), substituting the following for the information required under paragraphs (a) (3) and (4) above:

(3) Date on which the installation will cease to be used, and additional time required, if any, before plant will become available for other use;

(4) Contractual obligations affecting disposition, with copies of pertinent documents.

#### § 832.201 *Disposition of installations.*

§ 832.201-1 *Disposition of standby installations.* Upon receipt of a report that an installation has been classified as standby, the Chief of Engineers will determine the feasibility of making the installation available for temporary use by an agency other than the using service. If the Chief of Engineers determines that such use is feasible, and if the using service approves the proposed use, the Chief of Engineers may take appropriate action, in accordance with § 834.401 of this subchapter.

§ 832.201-2 *Disposition of excess installations.* (a) Wherever possible, excess industrial installations, including machinery and equipment, should be transferred as a complete facility to avoid the necessity for dismantling and reinstalling equipment. If the report that an installation is excess states that production equipment is included in the installation, the Chief of Engineers will immediately consult with the designated field office of the using service to coordinate the preparation of Forms SPB-1 and SPB-5, so as to avoid duplications and omissions.

(b) Upon receipt of a report from a using service that an installation has been classified as excess, the Chief of Engineers will informally consult the Storage Division, Army Service Forces, and will also consult the Army Air Forces in cases involving other than Army Air Forces controlled installations, to ascertain if there is a need for the installation within the War Department. This consultation should be completed within two days.

(c) All requests for transfer of excess installations, from a using service to another service, or requests by a using service other than the Army Air Forces for utilization of an installation for other

than its designed use, will be made to the Chief of Engineers and will include the following information:

(1) Name and location of the installation;

(2) Name of using service;

(3) Agency requesting installation;

(4) Purpose for which the installation is to be used;

(5) Particular portions of the installation or amount of space required.

The Chief of Engineers will forward a report to the Under Secretary of War through the Readjustment Division, Army Service Forces, prior to taking further action relative to reassigning the property, outlining the details of the requests for such use. The Readjustment Division will coordinate the requests with the appropriate staff divisions, i. e., Storage, Maintenance, Mobilization, and Production and Purchases Divisions, Army Service Forces, and will submit a recommendation to the Under Secretary of War for final determination. In the event a command use is proposed, the Army Service Forces' recommendation will be forwarded through the Assistant Chief of Staff, G-4, to the Under Secretary of War for recommendation or other appropriate action. The Under Secretary of War will advise the Chief of Engineers as to disposition of the installation. When transfer of an excess industrial installation for use as a command installation is approved, the Chief of Engineers will notify Mobilization Division, Army Service Forces, to have the designation and assignment of the property made by the Adjutant General, as provided in AR-170-10. Requests by the Army Air Forces for utilization of an installation for other than its designed use will be submitted directly by the Army Air Forces to the Under Secretary of War for approval.

(d) In the event a need is found for the installation under paragraphs (b) or (c) above, the Chief of Engineers, after approval by the Under Secretary of War, will arrange with the using service and the requesting agency for transfer of the installation, and will notify the Production and Purchase Division, and the Readjustment Division, Army Service Forces, of the new use. Whenever necessary, the requesting service will process promptly a site letter, as provided in Part 810 of this chapter. In such cases, transfers will not be made until the approvals required by Part 810 of this chapter are obtained.

§ 832.202 *Use of excess installations for storage or essential military operations.* (a) Excess installations will be diverted to storage of War Department property (other than surplus), or to essential military operations, only after production needs are satisfied, and then, except for temporary use, only to the extent required for essential military operations.

§ 832.203 *Withdrawal of excess installations.* An excess installation which has been reported to the Chief of Engineers may be withdrawn by the using service for the use for which the installation was designed or for which it was primarily used. Withdrawals for other

than the designed or primary use will be made in accordance with § 832.201-2.

§ 832.204 *Withdrawal of standby installations.* An installation which has been classified as standby with the approval of the Under Secretary of War will not be withdrawn from standby and reported as excess without the approval of the Under Secretary of War. Request for such approval will be submitted to the Under Secretary of War through the Production and Purchase Division, Army Service Forces, or in the case of the Army Air Forces, through the Assistant Chief of Air Staff-4.

§ 832.205 *Custody of and accountability for standby and excess installations.* The using service retains custody of and accountability for installations reported as standby or excess. On request of the using service, however, the Chief of Engineers may assume such custody and accountability on mutually satisfactory terms.

#### PART 833—DECLARATION OF SURPLUS INSTALLATIONS; CUSTODY AND ACCOUNTABILITY

Part 833 is added, as follows:

§ 833.300 *Declaration of surplus installations.* The following §§ 830.300-1 and 830.300-2 do not apply to installations held under permit (see § 834.402 of this subchapter) nor to leased installations except as provided in § 835.502 (d) and (e) of this subchapter.

§ 833.300-1 *Notification of surplus and formal declaration.* (a) If, within 7 days of receipt of a report that an installation is excess, no need has been found for the property, as provided in § 832.201-2 (b), the Chief of Engineers will determine the installation to be surplus. The Chief of Engineers will promptly notify the Surplus Property Administration that the installation is surplus. At the same time the Chief of Engineers will forward to the Reconstruction Finance Corporation, with a copy to the using service and to the Production and Purchases Division, Army Service Forces, a memorandum which will:

(1) Indicate that the installation is surplus.

(2) Describe the plant and its related machinery and equipment, if any, in general terms.

(3) Request the Reconstruction Finance Corporation to consult with the using service and the Corps of Engineers as soon thereafter as possible as to the date on which, and the method by which, custody and accountability for the installation will be transferred, and the method by which the property will be prepared for protection.

(4) Designate the responsible field offices of the using service and the Corps of Engineers with which the Reconstruction Finance Corporation should consult, in accordance with subparagraph (3) above.

(b) Within 40 days of the receipt of a report of excess, the Chief of Engineers will submit the appropriate SPB forms to the Surplus Property Administration in accordance with the regulations of the Administration, unless the installation is

leased to the War Department. To insure that declarations of surplus are made as soon as possible, the Chief of Engineers will initiate a title search and take all other necessary action promptly on receipt of the report of excess, and, where practicable, even in advance of such report.

§ 833.300-2 *Declaration of surplus personal property.* (a) Under Surplus Property Board Regulation No. 1, and Order 3 issued thereunder, declarations of personal property are required to be made on Forms SPB-1, which must be filed with Form SPB-5 whenever personal property is declared surplus in conjunction with real property. When a surplus installation includes production equipment, the using service will forward to the Chief of Engineers the completed Forms SPB-1, covering such equipment, for transmittal to the Surplus Property Administration. The using service will make every effort to forward these Forms SPB-1 to the Chief of Engineers within 10 days after the report of excess, unless there is good reason for longer delay. The Chief of Engineers will transmit these Forms SPB-1 to the Surplus Property Administration with the Forms SPB-5 when the complete installation is declared surplus.

(b) In the case of surplus Government-owned CPFF plants, a special procedure has been approved by the Surplus Property Administration for the checking of inventories, use of existing records, declaration of personal property and transfer of accountability. This procedure is set forth in § 833.307.

§ 833.301 *Withdrawal of surplus installations.* A surplus installation which has been declared to a disposal agency or to the Surplus Property Administration may be withdrawn by the Chief of Engineers on the request of the Army Air Forces, or of a technical service, made through the Readjustment Division, Army Service Forces, which will coordinate with other staff divisions, and procure the approval of the Under Secretary of War. Form SPB-5 will be used in effecting withdrawals. Upon approval of the request for withdrawal, the Chief of Engineers will assign the property to the service requesting withdrawal and notify the Readjustment Division, Army Service Forces, of the action taken.

§ 833.302 *Custody of and accountability for surplus installations.* (a) As provided in § 830.300-1 (a), representatives of the Reconstruction Finance Corporation, the Corps of Engineers, and the using service will determine the date on which custody of and accountability for a surplus installation will be transferred from the War Department to the Reconstruction Finance Corporation. Under Regulation 10 of the Surplus Property Administration, this date will be within ninety (90) days after the disposal agency receives the declaration from the Administration unless additional time is allowed by the Administration.

(b) The using service will retain accountability for all surplus installations until such accountability is assumed by the Reconstruction Finance Corporation or other disposal agency. On request of the using service, however, the Chief of

Engineers may assume accountability on mutually satisfactory terms.

(c) The using service will retain custody of all surplus installations until such custody is assumed by the Reconstruction Finance Corporation, or other disposal agency, unless such custody is assumed by the Corps of Engineers. At the request of the using service the Corps of Engineers will assume custody of surplus installations. The custodial functions which the Corps of Engineers will assume, on request of the using service, include maintenance of real personal property, including all production equipment (at other than Chemical Warfare Service installations), operation of utilities, guarding, fire fighting and all other housekeeping functions. The Chemical Warfare Service will maintain all production equipment at its surplus installations.

(d) Preparation and movement of equipment may be handled by the Corps of Engineers at the request of the using service. To the extent that preparation and handling of equipment cannot be accomplished with regular maintenance forces, the using service will reimburse the Corps of Engineers.

(e) All activities in connection with production equipment, including maintenance, preparation for handling, and movement, will be as directed by the using service. The using service may transmit its direction to the Corps of Engineers through the Commanding Officer of the installation, if any, through the field office of the using service, or through the Chief of the using service. Close local coordination is desirable in every instance.

(f) Except where assistance is requested by the using service or the Corps of Engineers, service commands will have no responsibility in connection with surplus installations, or in connection with installations expected to become surplus.

§ 833.303 *Removal of certain types of property from plant.* (a) The using service will remove from the plant and, if desired, may (under Part 848 of this chapter where applicable) dispose of, all work-in-process, end items, powder and explosives, perishables of the type for which agencies other than the Reconstruction Finance Corporation are the designated disposal agencies, and items determined to be scrap; except for the foregoing, the entire plant and property will be transferred intact, subject to the provisions of § 830.103 of this subchapter.

(b) Where perishables (assigned for disposal to the Reconstruction Finance Corporation) which might deteriorate if not handled with reasonable dispatch are in the plant, the using service will advise the Reconstruction Finance Corporation regional office, by letter, of the character and quantity of such perishables not disposed of by the using services. This notice will be given as quickly as possible after the plant has been declared surplus by letter to the Surplus Property Administration.

(c) Scrap panels will be established by the Reconstruction Finance Corporation which will assist in determining, before decontamination or preparation of equipment for idleness, the items to be scrapped. The using service will re-

move and dispose of such property in accordance with existing regulations. The determination of scrap will apply to individual items of property and will not be considered to indicate complete scrapping and salvaging of entire installations, structures, or areas.

**§ 833.304 Decontamination of plant.**

(a) The using service will establish a board of consultants whose principal function will be to advise and make recommendations to the using service relevant to decontamination of plants where explosives or toxic materials have been manufactured or stored. Since the Surplus Property Administration and Reconstruction Finance Corporation have certain responsibilities regarding the care, handling, and disposition of surplus property, they will, if they desire and the original cost of the project is over \$100,000, be invited to provide representation on the board. Likewise, the Corps of Engineers, pursuant to War Department Technical Bulletin TB ENG 57, has certain responsibilities and should provide representation on the board.

(b) It is the responsibility of the using service to make the necessary determinations and to dispose of buildings and improvements contaminated with explosives or toxic materials in manufacturing facilities under its jurisdiction which need to be destroyed, basing such action on recommendations of the board of consultants. Final determination and decision will rest with the using service, subject to the provisions of § 835.502 (c) of this subchapter.

**§ 833.305 Preparation of property.**

Section 833.300-1 contemplates that representatives of the Reconstruction Finance Corporation, the Corps of Engineers, and the using service will consult on the method whereby the property will be prepared. The Reconstruction Finance Corporation and the War Department will agree upon the extent of preparation of the property. The War Department will pay the cost of such preparation.

**§ 833.306 Start of sales.** The Reconstruction Finance Corporation or other interested disposal agencies may begin sales while the War Department is still at the plant preparing equipment or decontaminating. The using service will work out a mutually satisfactory plan for such sales operations with the appropriate regional office of the Reconstruction Finance Corporation or field offices of any other disposal agencies involved. With respect to all such sales, the accountable property officer of the using service will comply with the provisions of § 844.495-2 of this chapter.

**§ 833.307 Special procedures applicable to Government-owned CPFF plants.**

**§ 833.307-1 Disposal agency for Government-owned CPFF plants.** On receipt of the notification of surplus provided for in § 833.300-1, the Surplus Property Administration will assign the entire Government-owned CPFF plant to the Reconstruction Finance Corporation and will designate that Corporation as the sole agency for receiving the property. This assignment and designation will be made prior to the submission of the appropriate SPB forms, which will

nevertheless be made in accordance with § 833.307-4. The Reconstruction Finance Corporation and other interested disposal agencies may start sales at any time after such assignment and designation.

**§ 833.307-2 Checking of inventories.**

Complete physical inventories, normally required at termination of CPFF contracts as a basis for the action of contracting officers with respect to the operating contractor's responsibility for Government property, may be waived at Government-owned CPFF plants provided the following conditions are met:

(a) The written approval of the contracting officer authorizing the waiver is filed in the accountable property officer's files, and

(b) An inventory of a representative cross section of the items involved is made and the quantities shown thereby are compared with the quantities reflected on the stock record cards, to determine the general accuracy of the property records. Provision will be made for broadening the check when the results thereof in connection with items initially selected are not satisfactory. The results of the inventory and the comparison with the stock record cards will be made a matter of record in the files of the accountable property officer and the extent and results of the check performed will be subject to the written approval of the contracting officer. The Reconstruction Finance Corporation will initiate a check of the inventories immediately after the assignment by the Surplus Property Administration letter referred to in § 833.307-1. The check by the Reconstruction Finance Corporation and by the War Department should when at all practicable be carried out as a joint operation; therefore mutually satisfactory arrangements should be made with the appropriate regional office of the Reconstruction Finance Corporation. Normally, the Reconstruction Finance Corporation will engage contractors for plant maintenance and these contractors will conduct the inventory check for the Reconstruction Finance Corporation.

**§ 833.307-3 Property accountability and property records.**

Accountability for each installation will continue to be vested in a designated accountable property officer of the using service until the property has been officially accepted by the Reconstruction Finance Corporation or other disposition has been effected as outlined herein and such other disposition is supported by valid credit vouchers reflected on the property records. The established property records at the installations involved will in all cases be used to record all property transactions up to date of release of the operating contractor and, except under conditions as outlined in paragraph (b) below where the records will not be available to the using service, these records will also be used to reflect all transactions involving property dispositions or authorized adjustments which may be effected by the using service subsequent to date of release of the operating contractors and prior to surrender of custody of the installation to the Reconstruction Finance Corporation. After submission of SPB-1 reports to the Reconstruction

Finance Corporation, in the manner outlined herein, and acceptance of the installation by that agency, the property records, or copies thereof where the conditions outlined in paragraph (c) below, exist, will be retained by the using service in accordance with the provisions of AR 35-6700 and other pertinent instructions relating to contract property accounting records. In those instances where the contractor's records are used for accountability purposes as contemplated by paragraphs 56 and 61, TM 14-910, and release of the operating contractor occurs prior to surrender of custody of the installation to the Reconstruction Finance Corporation, the following instructions will be observed:

(a) If the operating contractor has surrendered his property records to the using service, a line will be drawn under the balance shown on each stock record card or its equivalent as of the date of the last transaction prior to release of the contractor, to clearly distinguish the cut-off date. All transactions recorded by the accountable property officer subsequent to that date will be vouchered in a new voucher series.

(b) If the operating contractor is unwilling to surrender his property records to the using service for retention, the operating contractor will be requested to permit the using service to utilize his records until such time as all transactions occurring prior to surrender of custody of the facility to the Reconstruction Finance Corporation have been recorded and copies of the records prepared as outlined in § 833.307-4. Under such circumstances, the instructions set forth in paragraph (a) above with respect to distinguishing between transactions and establishing a new voucher series will be observed. In those instances where the operating contractor refuses to accede to the request for utilization of his property records as outlined herein, such fact will be immediately reported to The Fiscal Director, Army Service Forces, who will provide the necessary instructions in regard to property records to be established.

(c) In those instances where the operating contractor is unwilling to surrender his property records to the using service for retention, one extra copy of the Class "B" and Class "C" records, reproduced in the manner set forth in § 833.307-4, will be prepared and retained in the files of the accountable property officer. In addition, where this copy of an individual stock record card or its equivalent does not reflect all property transactions with respect to the item involved which have occurred subsequent to the time of cessation of manufacturing operations at the facility concerned, one copy of the previous stock record card or cards reflecting all such transactions will be prepared and retained in the files of the accountable property officer. Photostated or other copies of records prepared for the files of the accountable property officer as discussed herein will be subject to the same requirements with respect to retention as are applicable to original copies of contract property records.

**§ 833.307-4 Preparation of Forms SPB-1 and SPB-5.** Form SPB-5 will be prepared by the Chief of Engineers, and

submitted to the Surplus Property Administration with a covering memorandum to advise that Forms SPB-1 are being submitted by the using service in accordance with these instructions. Coincident with completion of the work required of the War Department as set forth in §§ 833.303, 833.304, and 833.305, and after all transactions relating to the disposition of property by the using service and any authorized adjustments necessary as a result of discrepancies disclosed have been posted to the Class "B" and Class "C" property records, then subject to the requirements set forth in § 833.307-3 (c), copies of such records reflecting current balances will be photostated or otherwise reproduced in triplicate for submission with three copies of Form SPB-1 directly to the interested Reconstruction Finance Corporation regional office. Form SPB-1 will not be used to show details of the property but will be used only as a cover sheet for transmitting copies of the property records (the original records will be disposed of as set forth in § 833.307-3). The condition of equipment will be noted on the property record cards, in accordance with the governing Surplus Property Administration regulations. If the property was used prior to its receipt at the plant, this fact will be noted on the record card. Each Form SPB-1 will state that the period of use of the equipment described on the supporting cards is the time from the date of the receipt of the particular equipment, as shown on the card pertaining to that equipment, to the closing date of the plant (or, where feasible, of the production line in which the particular equipment is installed), which latter date will be indicated on the Form SPB-1. No card will be duplicated in larger size than 8 x 10½ inches. The cards will be divided into the major classifications (first two (2) digits of the Standard Commodity Classification), and no more than ninety-nine (99) individual copies of card records will be attached to one SPB-1. The SPB-1 cover sheets for each group of cards may be photostat copies of the original.

§ 833.307-5 *Termination of accountability.* The Reconstruction Finance Corporation, immediately after the assignment of an installation to that agency as outlined in § 833.307-1, will, with the approval of the interested accountable property officer, proceed to make such inventory checks as that agency deems necessary as a condition precedent to official acceptance of the installation. Any discrepancies disclosed as the result of such checks will be reported by the Reconstruction Finance Corporation to the interested accountable property officer for necessary adjustment of the property records, and in the case of shortages, for action of the nature hereinafter described to obtain valid credit vouchers in support of such adjustments. Reports concerning discrepancies discovered prior to date of release of the operating contractor will be referred by the accountable property officer to the contracting officer for action as set forth in paragraph 103, TM 14-910. Reports concerning discrepancies discovered subsequent to release of the operating contractor and prior to submis-

sion of the Forms SPB-1 will require Report of Survey action as prescribed in AR 35-6640 and TM 14-904. Where the survey proceedings indicate that a shortage with respect to a given item occurred prior to the date that the contractor surrendered physical possession and control of the property involved to Army representatives and when the shortage is of such amount as to warrant further investigation, these facts will be reported to the interested contracting officer who upon receipt thereof will consider the advisability of requesting an investigation of the conduct of the contractor or initiate such other action as he may deem advisable. In every case, the contracting officer will advise the accountable property officer in writing of the action taken or reason for nonaction and this written advice will be appended as an exhibit to the report of survey.

§ 833.307-6 *Final audit clearance.* Final audit clearance and issuance of related certificate of audit will not be effected until all discrepancy reports have been cleared as outlined in § 833.307-5 above and the accountable property officer has obtained and vouchered to his account an authenticated copy of the advice of the Reconstruction Finance Corporation that custody of and accountability for the facility has been accepted. Chiefs of technical services and the Commanding General, Army Air Forces, will notify interested service commands of any changes in accountable property officers or location of records which may occur prior to final audit clearance.

§ 833.307-7 *Retention of military personnel.* Normally, military personnel will continue to be assigned to a plant only for the period necessary to complete the work required of the War Department as set forth in §§ 833.303, 833.304, and 833.305, and the preparation of the Forms SPB-1 as outlined in § 833.300-2. Where requested as essential by the Reconstruction Finance Corporation, the using service will arrange for military liaison personnel at each plant to be held for a period of not more than three (3) months from the date of submission of the Forms SPB-1, to assist that agency in any technical matters relating to the property.

#### PART 834—LEASES AND OTHER DISPOSALS BY THE WAR DEPARTMENT WITH RESPECT TO INDUSTRIAL INSTALLATIONS

Part 834 is added, as follows:

§ 834.400 *Direct disposition of installations by the War Department.* (a) Regulation No. 10 of the Surplus Property Administration provides that disposals of surplus industrial real property (other than transfers to Government agencies for war production) shall not be made under laws other than the Surplus Property Act of 1944, but shall be made only by the disposal agency, in accordance with Regulation No. 10, unless the Surplus Property Administration upon written application by the owning agency shall consent in writing to a different procedure.

(b) Recommendation for the sale or other disposition of surplus industrial installations under any authority not impaired by the Surplus Property Act of

1944 and not contained in Regulation No. 10 of the Surplus Property Administration will be made by the Chief of Engineers to the Under Secretary of War through the Readjustment Division, Army Service Forces.

(c) This section shall not be construed to prevent the Chief of Engineers from disposing of buildings and improvements on land which is neither surplus nor expected to be declared surplus, in accordance with Section III of Circular No. 195, War Department 18 May 1944.

(d) The War Department is not authorized to sell or lease installations pursuant to rights of refusal or options, except in the case of installations on leased land (see § 835.502). In accordance with Regulation No. 10 of the Surplus Property Administration, all dispositions pursuant to such rights or options shall be made by the disposal agency, which shall request the assistance of the owning agency when necessary.

§ 834.401 *Temporary use of standby, excess, or surplus installations.* (a) The Chief of Engineers is authorized to lease or to arrange for the temporary use of standby installations, in accordance with Parts 830 and 832 to 839, inclusive: *Provided*, That the using service first determines that the proposed lease or use will not interfere with the current status of the installation. Property consisting of land alone will not be placed in standby for the sole purpose of providing temporary use.

(b) Pending the disposition of excess or surplus installations, and prior to the time accountability is assumed by the disposal agency, the Chief of Engineers may grant a revocable permit to any person to use such property in any case in which the Chief of Engineers finds that the interest of the Government will be served by such action. Any such use shall be conditioned upon payment of such consideration as may be fair and reasonable under all the circumstances.

(c) The Chief of Engineers will negotiate leases and make arrangements for temporary use of installations, and will prepare and execute such leases, permits, and other documents as are required to effectuate the provisions of paragraphs (a) and (b) above. Leases, permits, or other agreements for use of an installation will not be executed without the prior approval of the Under Secretary of War in any of the following cases:

(1) Where the annual consideration in any lease or other contract exceeds \$50,000;

(2) Where the lease or contract price is less than the approved rental value, established rate, or other prevailing standard of value;

(3) Where the lease or contract term exceeds 5 years; or

(4) Where the lease or contract is not revocable at any time.

Requests for approval under this paragraph will be transmitted to the Under Secretary of War through the Readjustment Division, Army Service Forces.

(d) The Chief of Engineers may serve as the leasing agent of the disposal agency for installations declared surplus.

§ 834.402 *Disposition of installations held under permit or other arrangement with another government agency.* When

an installation, determined to be surplus pursuant to § 833.300-1 of this subchapter, was acquired under a permit or other arrangement with another Government agency having primary jurisdiction over the property, such installation shall be returned to the agency having primary jurisdiction in accordance with the arrangement with such agency, except where the property has been substantially improved while being utilized by the War Department. In this later event the using service shall report the facts to the Chief of Engineers. The Chief of Engineers will submit the matter to the Surplus Property Administration for determination as to how the interests of the Government will be best served.

#### PART 835—DISPOSITION OF LEASEHOLDS AND IMPROVEMENTS ON LEASED LAND

Part 835 is added, as follows:

§ 835.500 *Scope of part.* This part covers the disposition of industrial installations, determined to be surplus pursuant to § 833.300 of this subchapter; on land leased to the War Department; included in this part are the cancellation of leases, the transfer of leaseholds to other government agencies, the declaration of leaseholds as surplus, and the disposal of Government-owned improvements on surplus land leased to the War Department.

§ 835.501 *Determination of surplus.* If, within 7 days of receipt of a report that a leased installation is excess, no need has been found for the property, as provided in § 832.201-2 (b) of this subchapter, the Chief of Engineers will determine the installation to be surplus.

§ 835.502 *Methods of disposal of improvements.* (a) Subject to the provisions of this part, the Chief of Engineers may make disposals of improvements hereunder by any one or more of the following methods:

(1) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises, provided the lessor or owner shall pay for any excess value.

(2) By disposition in accordance with contractual commitments.

(3) By sale intact.

(4) By transfer to another Government agency intact.

(5) By disposal of all readily severable property in accordance with PR-7 and TM 38-505.

(6) By demolition contract let only on competitive bids whereby title to material not readily severable passes to the demolition contractor.

(7) By demolition of property not readily severable and disposal of surplus used building and construction materials by competitive bidding and of other resulting materials in accordance with TM 38-505.

(8) By abandonment, if the War Department has no obligation to remove such improvements and it finds in writing that such property is without commercial value or that the estimated cost of its care and handling, removal and disposition would exceed the estimated proceeds of sale.

(b) Disposals by the Chief of Engineers under this paragraph shall be

made at prices that are fair and reasonable under all the circumstances taking into account the limited sale value of the property in place and its special value, if any, to the purchaser. In all cases, prior to disposal a written estimate shall be made of both the value of the improvements for use in place and their salvage value. The Reconstruction Finance Corporation may be requested to furnish advice and assistance to the owning agencies in the establishment of fair and reasonable prices.

(c) No improvements costing more than \$100,000 shall be disposed of or demolished hereunder by the Chief of Engineers without prior submission to and the consent of the Reconstruction Finance Corporation unless such improvements are located on Government-owned land which is not surplus and is not expected to become surplus.

(d) With the exception of transfers to other Government agencies, no improvements on land which the War Department by lease, option to lease, or otherwise, has a right to occupy for an additional definite period of five years or more, shall be disposed of by the Chief of Engineers under this part if the leasehold or other interests are no longer needed by the War Department, but the Chief of Engineers shall declare the improvements as surplus in place, in accordance with § 833.300-1 of this subchapter, together with the leasehold or other interests. At the request of the Reconstruction Finance Corporation any improvements, regardless of cost and the terms under which the land is occupied, shall be declared surplus in place, in accordance with § 833.300-1 of this subchapter, together with any related leasehold or other interests no longer needed by the War Department.

(e) Whenever the Chief of Engineers is unable to obtain a fair and reasonable price for the sale in place of improvements hereunder and finds in writing that it is not in the best interests of the Government to remove or demolish such improvements, the Chief of Engineers shall declare such property as surplus in place, in accordance with § 833.300-1 of this subchapter, together with any related leasehold or other interests no longer needed by the War Department.

§ 835.503 *Disposal of leasehold interests.* The Chief of Engineers will transfer any surplus leasehold or other right of occupancy in land, together with any improvements thereon, directly to any other Government agency desiring it without declaring it as surplus. Any such transfer may be conditioned upon the transferee agency's assuming all or any obligations incurred by the War Department in connection with the interest transferred. The Chief of Engineers shall take reasonable steps to ascertain the needs of other Government agencies for such interests. If such leasehold or other interest is not claimed by any Government agency within a reasonable time and the owning agency has the legal right to cancel, such lease shall be cancelled by the Chief of Engineers without declaring it as surplus, except as provided in § 835.501 (d) and (e).

§ 835.504 *Interim use pending disposal.* Pending the disposition of im-

provements or leasehold interests, and prior to the time accountability is assumed by the disposal agency, the Chief of Engineers may grant a revocable permit to any person to use such property in any case in which it is found that the interests of the Government will be best served by such action. Any such use shall be conditioned upon the payment of such consideration as may be fair and reasonable under all the circumstances.

§ 835.505 *Easements having no commercial value.* The Chief of Engineers may, with or without consideration, dispose of an easement to the owner of the land subject to the easement when the Chief of Engineers shall determine that the easement has no commercial value and is no longer needed: *Provided*, That when any such easement shall have been acquired for a substantial consideration, such disposal shall be made only for a reasonable value, taking into consideration any portion of the purchase price paid for severance damages.

§ 835.506 *Submission to the Attorney General.* Whenever the Chief of Engineers shall begin negotiation or, in other than cases of negotiated sales, shall have decided on the terms of a transaction for the disposition under this part of property which cost the Government \$1,000,000 or more, the Chief of Engineers shall promptly notify the Reconstruction Finance Corporation of the proposed disposition and the probable terms and conditions thereof. The Reconstruction Finance Corporation will then transmit such information to the Attorney General in order that the Attorney General may furnish the advice contemplated in section 20 of the Surplus Property Act.

[F. R. Doc. 45-22927; Filed, Dec. 26, 1945; 2:17 p. m.]

#### Subchapter C—Termination of Contracts [Joint Termination Regulation (PR 15)]

##### MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 844, 847 and 848 are hereby prescribed. These regulations are also contained in Change 47, April 20, 1945 (10 F.R. 5171<sup>1</sup>) as amended by Change 53, December 15, 1945.

**AUTHORITY:** Parts 841 to 849, issued under sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225, 10 U.S.C. 1193-1195; the First War Powers Act, 1941, 55 Stat. 838; 50 U.S.C. Supp., 601-622; and the Contract Settlement Act of 1944, 58 Stat. 649.

**NOTE:** In order to conform the Joint Termination Regulation to the numbering system used in the Code of Federal Regulations, the following changes have been made: Sections in the original regulations have been treated as code parts, parts as code subparts, and paragraphs as code sections. Thus Section I becomes Part 841, Section II becomes Part 842, part 1 of any section becomes Subpart A, part 2 becomes Subpart B, etc. Paragraphs in the original regulations become sections, with the number to the right of the decimal point corresponding to the original paragraph number, except that where paragraph numbers also contain a decimal point the point is changed to a dash. The original paragraph numbers appear in brackets following text affected.

<sup>1</sup> See also 10 F.R. 10449, 13171.

For an explanation of the numbering and arrangement of the original regulations see §§ 841.113 to 841.113-5.

# PART 844—CONTRACTOR INVENTORY

## SUBPART A—GENERAL POLICIES

1. Section 844.411-15 is amended to read as follows:

### § 844.411-15 *Small lot and line-item.*

(a) The term "small lot" means any item or group of items where the cost of all substantially similar items available for sale at any one location, listed on any one inventory schedule, does not exceed \$300. The term "small lot" also means any "line-item," as defined in paragraph (a) below, which costs \$100 or less.

(b) The term "line-item" means any item or group of identical items under any one contract which may properly be described and listed as a single entry in an inventory schedule. [JTR 411.15]

2. In § 844.416-2 paragraph (c) is amended to read as follows:

### § 844.416-2 *Within the Navy Department.*

(c) Navy Property Redistribution and Disposal Regulation No. 1 grants to the chiefs of the several bureaus and the Commandant, U. S. Marine Corps, and the Commandant, U. S. Coast Guard, authority to execute certain transfers or contracts for the sale of property. They are further authorized to delegate their authority to such persons as they may

designate. A Navy contracting officer may execute any transfer of property within the scope of authority delegated to him pursuant to Property Redistribution and Disposal Regulation No. 1. In addition, the exclusive authority to approve dispositions of uncompleted hulls (including the authority to determine that any uncompleted hull is unserviceable) is vested in the Director of the Shipbuilding Division of the Bureau of Ships or his authorized representative, subject to review by the Chief of the Bureau of Ships or his duly authorized representative, as provided in paragraphs 508.18 and 508.19 of Navy Property Redistribution and Disposal Regulation 1.

## SUBPART B—SUBMISSION OF INVENTORY SCHEDULES

In § 844.425-2 paragraph (a) is amended and paragraph (d) is added, as follows:

§ 844.425-2 *Description of items.* (a) The inventory schedules must contain a separate listing of each item of material included, except as provided in paragraphs (b), (c) and (d) below. An adequate description of the items listed is essential to enable prospective purchasers to identify particular items, and to accomplish efficient removal or storage of contractor inventory. A commercial description of all metals and of other items believed to have commercial value

must be given; stock numbers and prefixes, manufacturers' part numbers, and standard catalog reference numbers should be supplied. For other items, the war contractor need furnish only such description as is sufficient to enable the contracting officer or next higher tier contractor to approve a disposition. In describing items listed on inventory schedules, the war contractor shall be guided by the "Handbook of Standards for Describing Surplus Property," prepared by the War Production Board.

(d) Where the contractor is willing to retain all line-items which cost \$100 or less, pursuant to § 844.443-2, he need not describe or itemize in his inventory schedule the material constituting such line-items, but may lump all such material under a single caption with a general description of the types of material included under the caption and the aggregate cost of such material. [JTR 425.2]

## SUBPART C—GENERAL PROVISIONS RELATING TO AUTHORITY TO MAKE AN APPROVED DISPOSITION

The table in § 344.439-2 (d) is amended to read as follows:

### § 844.439-2 *Regulations of Office of Price Administration.*

(d) *Reliance on buyer's certificate.*

## RETENTIONS AND SALES OF CONTRACTOR INVENTORY<sup>1</sup> BY CONTRACTOR REGARDLESS OF AMOUNT OF CLAIM

Nature of transaction (References are to JTR paragraphs)	Minimum price	Determinations required	Scrap warranty or use representation	Approval of retention or sale	Required review of approval
(1) Retentions and sales at cost (442).	Cost.....	None.....	None.....	None.....	None.
(2) Retentions and sales of sundry items not exceeding \$100 cost, total not to exceed the lesser of \$5,000 or 20% of total inventory cost (443).	Best price obtainable.....	None.....	None.....	None.....	None.
(3) Retention of all line-items not exceeding \$100 cost.	25% of aggregate cost.....	None.....	None.....	None.....	None.

## SMALL INVENTORIES

(4) Retentions and sales of small inventories where claim is on Form 1-A, or is less than \$10,000 <sup>2</sup> (444).	Best price obtainable.....	None.....	None.....	Contracting officer or next higher tier contractor.	None.
--	----------------------------	-----------	-----------	---	-------

## WHERE CLAIM IS \$10,000 OR MORE (EXCEPT (1), (2) AND (3))

(5) Retentions and sales of small lots (445.2).	Best price obtainable.....	None.....	None.....	Contracting officer <sup>3</sup> ...	None.
(6) Retentions for use (445.3)	Best price obtainable.....	None.....	Use representation.....	Contracting officer <sup>3</sup> ...	Disposal Board: (a) If material cost exceeds \$10,000, retained below 50% of cost or (b) If material cost exceeds \$100,000, retained below cost. Army Chief of Service Review Board: If material cost exceeds \$500,000, retained below 50% of cost.
(7) Sales and retentions for resale of unserviceable material (445.4).	Competitive bids.....	Unserviceability (by contracting officer.) <sup>2</sup>	None.....	Contracting officer <sup>3</sup> ...	Disposal Board: If material cost exceeds \$25,000, determination of unserviceability must be reviewed.
(8) Sales and retentions for resale of scrap in exceptional cases (445.5).	Negotiated price.....	Material is scrap and negotiated sale advantageous (by contracting officer).	Scrap warranty.....	Contracting officer <sup>3</sup> ...	Disposal Board must review determinations.
(9) Sales and retentions for resale of serviceable material (445.6).	Best price obtainable, but not less than 50% of cost. If not sold in reasonable time, best price obtainable to user-buyer.	None.....	Use representation if sale is for less than 50% of cost.	Contracting officer <sup>3</sup> ...	Disposal Board: (a) If material cost exceeds \$10,000, retained below 50% of cost or (b) If material cost exceeds \$100,000, retained below cost. Army Chief of Service Review Board: If material cost exceeds \$500,000, retained below 50% of cost.

<sup>1</sup> Excluding plant equipment, and property covered by pretermination agreements.  
<sup>2</sup> Computed according to 122 and 444.2.

<sup>3</sup> Or next higher tier contractor when authorized under 434.2 (2).  
In the case of the Navy, the contracting officer usually includes the NMR&DA.

**SUBPART D—PRICE POLICIES AND CONDITIONS APPLICABLE TO SPECIFIC DISPOSITIONS**

1. Section 844.443 is amended, and §§ 844.443-1 and 844.443-2 are added, as follows:

§ 844.443 *Retentions and sales of sundry items costing \$100 or less, and of all line-items costing \$100 or less.* [JTR 443]

§ 844.443-1 *Retentions and sales of sundry items costing \$100 or less.* War contractors may retain or sell any item of contractor inventory at the best price obtainable, where the total cost of the item does not exceed \$100: *Provided*, That the aggregate cost of all items so retained or sold does not exceed \$5,000 or 20 percent of the total inventory cost, whichever is less. The term "item", as used in this paragraph, includes all substantially similar articles at any one location listed on any one inventory schedule. Such retentions and sales may be made without the approval of the contracting officer or next higher tier contractor. [JTR 443.1]

§ 844.443-2 *Retention of all line-items costing \$100 or less.* Where the contractor is willing to retain all line-items which cost \$100 or less, he shall list such material as provided in § 844.425-2 (d). In such case the retention credit shall be 25 percent of the aggregate cost of such line-items. Retention of line-items under this subparagraph may be made without a use representation and without the approval of the contracting officer or the next higher tier contractor. The contracting officer will make selective checks to guard against abuses in the listing and retention of line-items under this authority. Particular attention should be paid to such checking in any case where the aggregate cost of line-items seems disproportionate to the total cost of the inventory. [JTR 443.2]

2. Section 844.445-2 is amended to read as follows:

§ 844.445-2 *Retentions and sales of small lots.* War contractors may retain or sell small lots (including line-items), as defined in § 844.411-15, at the best price obtainable, except as provided in § 844.443-2. Such retentions and sales require the approval of the contracting officer (in the case of the Navy, the NMR&DA) or the next higher tier contractor authorized under § 844.434-2 to approve his subcontractor's retentions and sales. The decision of the person first authorized to make the determination as to what constitutes a small lot shall be accepted, except in the event of an obvious error. Small lots will not be assembled for purposes of a consolidated sale. [JTR 445.2]

3. Section 844.446-2 is amended to read as follows:

§ 844.446-2 *Small lots.* Contracting officers (in the case of the Navy, the NMR&DA) may sell small lots (including line-items), as defined in § 844.411-15, at the best price obtainable. The decision of the person first authorized to make the determination as to what constitutes

a small lot shall be accepted unless there is an obvious error. Small lots will not be assembled for the purpose of a consolidated sale. [JTR 446.2]

4. Section 844.447-4 is amended to read as follows:

§ 844.447-4 *Aluminum scrap.* Retentions and sales of aluminum scrap are subject to the pricing policies and other provisions set forth in Regulation No. 12 of the Surplus Property Administration. (See 32 CFR, Part 8312.) [JTR 447.4]

5. In § 844.447-5 paragraph (b) (1) is amended to read as follows:

§ 844.447-5 *Production equipment.* \* \* \* (b) \* \* \*

(1) All retentions and sales of used standard general purpose machinery, as defined in Surplus Property Administration Regulation No. 13 (see 32 CFR, Part 8313), shall be made at prices in accordance with the said Regulation No. 13.

**SUBPART E—DISPOSITION OF TERMINATION INVENTORY ON SETTLEMENT AND DISPOSITION OF SURPLUS CONTRACTOR INVENTORY**

Section 844.452-5 is amended to read as follows:

§ 844.452-5 *Disposition of stockpile materials—(a) Within the War Department.* When any strategic property, as defined in § 824.408-1 of this chapter, is included in contractor inventory and is not disposed of prior to the War Department taking possession, it will be disposed of in accordance with §§ 824.408 and 826.604-2.

(b) *Within the Navy Department.* When any strategic property, as defined in § 8317.1 of SPA Regulation 17, is included in contractor inventory and is not disposed of prior to the Navy Department taking possession, it will be disposed of in accordance with paragraph 308 of Property Redistribution and Disposal Regulation No. 1. [JTR 452.5]

**PART 847—SETTLEMENT OF PRIME CONTRACT CLAIMS**

**SUBPART F—RECORDS**

Section 847.763 is amended and §§ 847.763-1 to 847.764, inclusive, are added, as follows:

§ 847.763 *War contractors' record.* [JTR 763]

§ 847.763-1 *Statutory provision.* Section 19 (a) of the act makes it unlawful for any person willfully to secrete, mutilate, obliterate, or destroy, or cause to be secreted, mutilated, obliterated, or destroyed, any records of a war contractor relating to a war contract of \$25,000 or more, or any records of a war contractor or any purchaser relating to any disposition of termination inventory, where the consideration involved is \$5,000 or more, until (a) 5 years after such disposition of termination inventory; or (b) 5 years after the final settlement of such war contract; or (c) 5 years after the termination of hostilities in the present war, whichever applicable period is longer. [JTR 763.1]

§ 847.763-2 *Regulation of the Office of Contract Settlement.* (a) General

Regulation No. 11 of the Office of Contract Settlement (see 32 CFR, Part 8013) authorizes destruction of war contractors' records upon compliance with its provisions relating to the making and retention of photographs and microphotographs.

(b) Attention is directed to the following opinion of the Office of Contract Settlement dated October 15, 1945, relating to the destruction of records by war contractors:

We do not consider that the Contract Settlement Act of 1944, and particularly Section 19 (a) thereof, imposes any prohibition against the destruction of extra or multiple copies of a record which is retained. In our view, destruction of multiple copies does not constitute a destruction of the "record" if the original record, or where the original record is not in possession of the contractor, a copy thereof, is retained.

This does not authorize the destruction of a copy which contains significant notations or information which do not appear on the original or retained copy. [JTR 763.2]

§ 847.763-3 *Disposition of records under contract provisions—(a) Effect of contract provisions.* Section 19 (a) of the act prohibits the "willful destruction" of certain records but does not prescribe the manner in which retained records will be stored. However, numerous contracts contain provisions requiring the contractor to "preserve," "maintain," "store," "retain," or "make available to the Government" records relating to such contracts after the termination or completion of the contract. In the absence of contract provisions expressly prescribing the manner of storage, the war contractor shall be required, by reason of his contractual obligation, to provide only an "inactive" or "dead" type of storage. Such storage will not require that records be indexed or filed with a meticulous degree of care, nor that they be maintained, perfected, or serviced by full time record personnel, but merely that they be reasonably accessible and identifiable.

(b) *Destruction of copies.* The contract provisions referred to in paragraph (a) require a war contractor to retain only the original record, or an exact copy thereof, and extra or multiple copies may be destroyed. This does not authorize the destruction of a copy which contains significant notations or information which do not appear on the original or retained copy.

(c) *Storage of records.* (1) It is desirable, wherever practicable, to store all records pertaining to the same contract in the same place regardless of whether the Government or the contractor is required to bear all or part of the costs of such storage in accordance with paragraph (d). In the event of a division of responsibility for the cost of storage, the costs shall be apportioned and adjusted by negotiation.

(2) When required by statute, regulation, or agreement, the war contractor may deliver certain records (for example, medical records and property records) to an interested Government agency or other agency, under an agreement whereby such agency shall preserve and

store the records for part or all of the period for which the contractor is required to store the records: *Provided*, That, if the period during which such agency is to store the records is less than that during which the contractor is required to store the records, the right to repossess the records at the conclusion of the period should be exercised by the contractor. Delivery of records under these circumstances shall be deemed compliance with the contract provisions referred to in paragraph (a).

(4) In view of the provision appearing in many contracts (e. g. § 849.932 of this subchapter) requiring the contractor to make records available to the Government at his office, records should, where practicable, be stored by the contractor on his premises. In the event that sites are made available in Government-owned premises for the storage of a war contractor's records and are utilized by a contractor who is required to bear the cost of storage, the reasonable value of such storage space shall be credited or paid to the Government.

(d) *Responsibility for cost of storage after termination.* The rights of the parties under the contract in connection with records will be negotiated and settled in the settlement of the terminated contract to the greatest extent practicable. As a general rule, reasonable costs incurred by the war contractor after the effective date of termination in preparing for storage, retaining and storing records should be compensated for in the settlement of the terminated contract only to the extent that:

(1) The contract affirmatively so requires; or

(2) Such expenses are incidental to, and are incurred prior to, the settlement of the contract; or

(3) The war contractor, at the request of the contracting officer, stores records in addition to those which he is obligated by his contract to store, or furnishes greater services in connection with the preparation for storage, retention or storage than prescribed by his contract.

(e) *Designation of records to be retained.* Where a contracting officer under the provisions of a contract has discretion to designate the records to be retained by a contractor, he will exercise that discretion actively by instructing the contractor which of all the contractor's records he desires to be retained. The contracting officer will not rely merely on the provisions of section 19 (a) of the act to secure retention of appropriate records. However, in so instructing the contractor, the contracting officer will inform him that his instructions do not affect the obligations of the contractor under the Contract Settlement Act or other pertinent statutes or regulations. [JTR 763.3]

§ 847.764 *Limitation.* Nothing in this subchapter shall affect the requirements of the Comptroller General of the United States for preservation and submission of original and supporting records in connection with cost-plus-a-fixed-fee contracts. [JTR 764]

#### PART 848—SPECIAL PROCEDURES AND REPORTS

##### SUBPART F—GOVERNMENT-OWNED PLANT EQUIPMENT UNDER WAR DEPARTMENT CONTRACTS

1. Section 848.863-7 is amended to read as follows:

§ 848.863-7 *Redistribution within the War Department.* Where requirements are known to exist, idle plant equipment under a War Department facilities contract may be redistributed by the service concerned for supply, war production, War Department industrial reserve or other authorized purposes. [JTR 863.7]

2. In § 848.864-2 paragraph (h) is amended to read as follows:

§ 848.864-2 *Sales to war contractors in possession not pursuant to options.*

(h) *Disposition of special tooling in possession of a subcontractor or sub-lessee.* If in accordance with the terms of a facilities contract special tooling is located in the plant of a subcontractor or a sub-lessee, and if such subcontractor or sub-lessee has in writing indicated that he does not desire to acquire such special tooling, the chief of the service may permit the purchase or lease of said tooling by a contractor who is holding a higher tier facilities contract under which the special tooling is held. Such sale or lease shall be negotiated upon the following terms and conditions:

(1) Sales prices and rentals shall be determined on a basis which is fair and reasonable, taking into consideration the limited sale value of the special tooling and its special value to the purchaser or lessee. In determining acceptable sales prices and rentals the contracting officer may request the advice and assistance of the regional office of the Reconstruction Finance Corporation for the region in which the major portion of the special tooling to be sold is located.

(2) Leases shall be limited to a period not in excess of one year.

(3) All other provisions of this section shall be complied with insofar as they may be appropriate.

Nothing in this paragraph shall be deemed to limit the determination and disposition of special tooling under § 848.864-3. [JTR 864.2]

3. In § 848.865-6 the reference to § 848.865-5 is amended to read "§ 848.865-3".

##### SUBPART H—REPORTS ON PROPERTY DISPOSITION

In § 848.882-3 paragraph (c) is amended to read as follows:

§ 848.882-3 *Information required on report form.* \* \* \*

(c) The following information will be entered in the various lines of Part I—Section III:

Line 30. *Awaiting delivery orders.* Enter the cost of contractor inventory declared to disposal agencies in previous months on Forms SPB-1 for which shipping or other disposition orders had not been received from the disposal agency at the beginning of the

month, excluding open transactions on Forms SPB-1.2 handled in accordance with instructions contained under Line 31. These figures will be identical with those reported on Line 38 of the report for the preceding month.

Line 31. *Gross declarations.* Enter the cost of contractor inventory declared to disposal agencies during the month after or concurrent with possession.

Line 32. *Corrections.* Enter the cost of adjustments to prior declarations during the month. Extractions by RFC to other disposal agencies will not be treated as corrections, and will remain as declarations to RFC. Delivery orders for such property will be cleared through RFC and reported as delivered to that agency.

Line 33. *Net declarations.* Enter Line plus or minus Line 32.

Line 34. *Withdrawals.* Enter the cost of approved withdrawals from disposal agencies during the month.

Line 35. *Available to disposal agencies.* Enter the sum of Lines 30 and 33, minus Line 34.

Line 36. *Scrap orders received.* Enter the cost of property previously declared to a disposal agency for which there has been received from the disposal agency a certificate of scrap during the month.

Line 37. *Delivery orders received.* Enter the cost of property for which shipping orders (other than scrap orders) were received during the month.

Line 38. *Awaiting delivery orders.* Enter the cost of property declared to disposal agencies for which shipping or other disposition orders had not been received at the end of the month. This is Line 35 minus the sum of Lines 36 and 37.

[SEAL] EDWARD F. WITSELL,  
Major General,  
Acting The Adjutant General,  
War Department.  
W. JOHN KENNEY,  
Deputy to the Assistant  
Secretary of the Navy.

[F. R. Doc. 45-22928; Filed, Dec. 26, 1945; 2:16 p. m.]

#### TITLE 6—AGRICULTURAL CREDIT Chapter I—Farm Credit Administration

##### PART 10—FEDERAL LAND BANKS, GENERALLY LOAN REQUIREMENTS

Section 10.148 of Chapter I, Title 6, Code of Federal Regulations is hereby amended to read as follows:

§ 10.148 *Computing amount loanable to one borrower.* The aggregate amount of existing bank loans to any one borrower for the purpose of applying the limitation in section 12 "Seventh" of the Federal Farm Loan Act (12 U.S.C. 771 "Seventh") shall be the total unpaid principal of all indebtedness to the bank and any other banks of the system which is secured by mortgages or real estate sales contracts on property owned or being acquired by the applicant, or for which the applicant is personally liable, less the unpaid principal of (1) purchase money mortgage or real estate contract indebtedness in connection with which no association or bank stock has been issued, (2) indebtedness which is secured by property the applicant no longer owns and which has been assumed with the permission of the bank by a subse-

quent owner of the property in accordance with section 12 "Sixth" of the Federal Farm Loan Act (12 U.S.C. 771 "Sixth"), and (3) assets purchased from a joint stock land bank under section 16 of the Federal Farm Loan Act (12 U.S.C. 823).

(Sec. 6, 47 Stat. 14, Sec. 12 "Sixth", 39 Stat. 370, as amended; 12 U.S.C. 665, 771 "Sixth")

[SEAL] J. R. ISLEIB,  
Acting Land Bank Commissioner.

[F. R. Doc. 45-23120; Filed, Dec. 28, 1945;  
3:20 p. m.]

## Chapter II—Production and Marketing Administration

[CCC 1943 Shortening Payment Program Form 1, Termination]

### PART 247—1943 SHORTENING PAYMENT PROGRAM

#### TERMINATION OF OFFER

The Offer of Commodity Credit Corporation to Make Payments in Respect of Standard and Hydrogenated Shortening, CCC 1943 Shortening Payment Program Form 1, as amended, is hereby terminated at 12:01 a. m., e. s. t., December 31, 1945. This termination shall not affect the obligations of Commodity Credit Corporation under the offer with respect to eligible shipments made prior to the effective time of this termination, nor shall it affect any rights of Commodity Credit Corporation arising under the Offer.

Signed, sealed and attested at Washington, D. C., this 28th day of December 1945.

[SEAL] COMMODITY CREDIT CORPORATION,  
By C. W. KITCHEN,  
Acting President.

Attest:

MARION M. CRUMPLER,  
Assistant Secretary.

[F. R. Doc. 45-23122; Filed, Dec. 28, 1945;  
3:21 p. m.]

### PART 258—AMERICAN CHEDDAR CHEESE PAYMENTS

#### OFFER IN CONNECTION WITH PURCHASE AND SALE OF AMERICAN CHEDDAR CHEESE IN UNITED STATES

The "Offer in Connection With Purchase and Sale of American Cheddar Cheese in United States," dated January 27, 1945 (10 F.R. 1313, 2953, 4696) is hereby amended as follows:

1. Amend § 258.2 to read as follows:

§ 258.2 *Agreement to purchase.* Commodity will purchase from any manufacturer all American Cheddar cheese produced by him during January 1946 which has been sold by him before the close of business on January 31, 1946, or with respect to which he has become the receiver before the close of business on January 31, 1946. The price to be paid for such cheese shall be 27 cents per pound in the case of cheese with a mois-

ture content of more than 37.75 percent, and 27.25 cents per pound in the case of cheese with a moisture content of 37.75 percent or less. Such purchase prices will be paid in the manner prescribed in § 258.5 of this offer. The weight and moisture content of cheese purchased by Commodity hereunder shall be determined by the weight and moisture content of the cheese at the time it is received from the manufacturer by a receiver or at the time the manufacturer becomes the receiver.

2. Amend § 258.10 to read as follows:

§ 258.10 *Filing of claims: notification.* Filing of claim for payment hereunder together with performance of the acts set forth in said offer shall constitute acceptance of this offer by the manufacturer.

This amendment shall become effective at 12:01 a. m., e. s. t., January 1, 1946.

Dated this 28th day of December 1945.

[SEAL] COMMODITY CREDIT CORPORATION,  
By C. W. KITCHEN,  
Acting President.

Attest:

MARION M. CRUMPLER,  
Assistant Secretary.

[F. R. Doc. 45-23121; Filed, Dec. 28, 1945;  
3:20 p. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Regs., Serial No. 340-A]

#### LIMITED MECHANIC CERTIFICATE WITH PROPELLER OR AIRCRAFT APPLIANCE RATING

##### EXTENSION OF EFFECTIVE DATE

Extending the effective period of special civil air regulation serial number 340 limited mechanic certificate with propeller or aircraft appliance rating.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of December 1945.

Effective December 31, 1945, Special Civil Air Regulation Serial Number 340 is amended by striking "December 31, 1945" and inserting in lieu thereof the words "December 31, 1946."

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 45-23155; Filed, Dec. 29, 1945;  
11:57 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

### PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1-E, Revocation]

#### MODIFIED DELEGATION OF AUTHORITY TO OFFICE OF PRICE ADMINISTRATION WITH REFERENCE TO RATIONING OF SUGAR

Section 903.6 *Supplementary Directive 1-E* is hereby revoked. This revocation is subject to the provisions of paragraphs (f) and (g) of Directive 1 and does not affect the authority of the Office of Price Administration to continue the rationing of sugar pursuant to Executive Order 9280 and War Food Orders issued thereunder.

Issued this 26th day of December 1945.

J. D. SMALL,  
Civilian Production Administrator.

Approved: December 26, 1945.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 45-23123; Filed, Dec. 28, 1945;  
4:34 p. m.]

### PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1-R, Revocation]

#### RATIONING OF COFFEE

Section 903.23 *Supplementary Directive 1-R* is hereby revoked. This revocation is subject to the provisions of paragraphs (f) and (g) of Directive 1 and does not affect the authority of the Office of Price Administration to ration coffee pursuant to Executive Order 9280 and War Food Orders issued thereunder.

Issued this 26th day of December 1945.

J. D. SMALL,  
Civilian Production Administrator.

Approved: December 26, 1945.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 45-23124; Filed, Dec. 28, 1945;  
4:34 p. m.]

### PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 1, as Amended Dec. 29, 1945]

#### SPECIAL PROVISIONS FOR ASSIGNMENT OF CC RATINGS IN ORDER TO INCREASE PRODUCTION OF COAL

The following amended direction is issued pursuant to PR 28:

(a) The supply of coal in the area east of the Mississippi river is substantially less than present and anticipated requirements; and this shortage is so serious as to threaten the economy of the country during the reconversion period. Consequently the Civilian Production Administration will assign CC ratings as provided in paragraph (d) (1) (iii) of Priorities Regulation 28 in accordance with the conditions of this direction when necessary to maintain or increase production of coal.

(b) *Producers of coal*—(1) *Capital equipment.* CC ratings may be assigned to producers of coal located in the area east of the Mississippi river for their purchase of capital equipment, other than underground coal mining machinery, where the producer is unable to obtain delivery without a rating, and

(1) The equipment will result in a substantial increase in production, or

(11) The equipment is needed to replace present operating equipment which is in danger of imminent breakdown. CC ratings will be assigned to the delivery of underground coal mining machinery only as provided in Priorities Regulation 28.

(2) *Construction.* CC ratings may be assigned for materials required for construction at present mines east of the Mississippi river where the operator shows he cannot obtain delivery without a rating and the construction is necessary to prevent a loss in production or will result in increased production. CC ratings for other construction will be assigned under Priorities Regulation 28.

(3) *Maintenance, repair, and operating supplies.* CC ratings may be assigned for maintenance, repair, and operating supplies needed by operators where the operator demonstrates that he is unable to obtain the item without priorities assistance. However, CC ratings will be assigned for special repair parts for underground coal mining machinery only where the repair part is essential for the continued operation of the mine, and then only where it will not interfere with delivery of mining machinery for more essential purposes.

(c) *Manufacturers of underground coal mining machinery—(1) Production materials.* CC ratings may be assigned for production materials to manufacturers of underground coal mining machinery where the manufacturer demonstrates that he is unable without a rating to obtain delivery of the minimum amount at the latest date required to maintain production of mining machinery.

(2) *Capital equipment and MRO.* CC ratings for capital equipment and MRO for the machinery manufacturer will be assigned only as provided in Priorities Regulation 28.

(d) *Denials of CC ratings.* The CC rating will be denied where it appears that the item for which the CC rating is requested is available, but under different terms of sale or from a supplier other than the applicant's customary supplier.

(e) *PR-28 still applies.* In any case not covered by the above, CC ratings will be assigned only as provided in Priorities Regulation 28.

Issued this 29th day of December 1945.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-23151; Filed, Dec. 29, 1945;  
11:52 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32, Direction 6 as Amended  
Dec. 29, 1945]

#### ADJUSTMENT OF ORDERS, RECEIPTS AND DELIVERIES IN CASE OF WORK STOPPAGES

Direction 6 to Priorities Regulation 32 is amended to read as follows:

(a) *What this direction does.* As a result of work stoppages in manufacturers' plants, strict application of CPA inventory restrictions might have an adverse effect on the production and distribution of critical materials. This direction permits continued receipts during the first thirty days and certain further receipts to the extent described in paragraph (b), but requires adjustment of outstanding orders as explained in para-

graph (c). It is designed to prevent the unnecessary accumulation of critical materials on the one hand, and on the other to encourage maximum production.

(b) *Permitted receipts after suspension of operations.* (1) A person whose operations are suspended due to a work stoppage in his own plant may continue to receive materials for a period not exceeding thirty days immediately following the suspension based on his rate of operation as scheduled immediately before that time. In the case of work stoppages occurring before December 6, 1945, the above 30 day limit is extended to not later than January 5, 1946. Such receipts are in addition to those permitted under the inventory limits of Priorities Regulation 32 or any other applicable order or regulation, unless it specifically states to the contrary. No new orders may be placed during this time to take advantage of this provision.

(2) In any case where such person's inventory of any material at the end of the period described in paragraph (b) (1) is less than the minimum amount he would need during the first forty-five days after resumption of operations (or the period specified in Table 1 of Priorities Regulation 32 or any other applicable order if such period is less than 45 days), he may continue receiving the material until that amount is reached. For example, under this paragraph (b) (2) he may receive up to a total 45-day supply of sheet steel but only a 30-day supply of pig iron or solder.

(3) After he has adjusted his orders as required by paragraph (c), he may also accept further deliveries to the extent permitted by paragraph (h) of Priorities Regulation 32.

(c) *Adjustment of outstanding orders after suspension of operations.* Outstanding orders calling for delivery of any material in excess of the amounts permitted by paragraphs (b) (1) and (2) must be adjusted by the customer whose operations are suspended as follows:

(1) In the case of work stoppages occurring before December 6, 1945, which are still in effect, he must, by January 5, 1946, postpone or cancel all such orders for delivery in January. Also, by the 15th day of each month (starting January 15, 1946) as long as the work stoppage continues, he must postpone or cancel all such orders for delivery in the following calendar month.

(2) In the case of work stoppages occurring on and after December 6, 1945, which are still in effect, he must, by the 30th day of the work stoppage, postpone or cancel all such orders for delivery in the current month. Also, by the 30th day of the work stoppage or the 15th day of the current month, whichever is later, and by the 15th day of each month thereafter as long as the work stoppage continues, he must postpone or cancel all such orders for delivery in the following calendar month.

(d) *Applicability of this direction—(1) In general.* Paragraphs (b) and (c) do not apply with respect to any part of the customer's operations which is not suspended or which resumes operations, and materials may be produced and delivered by the supplier and received by the customer under these circumstances as permitted by Priorities Regulation 32. These paragraphs also do not apply to tires and tubes for original equipment which remain subject to Order R-1.

(2) *Suppliers.* Suppliers may continue to produce for a customer whose operations have been suspended, and to ship or hold as arranged with the customer, only in accordance with this direction and the applicable provisions of Priorities Regulation 32.

(e) *Resumption of operations.* As soon as operations are resumed, the customer must promptly adjust, and if necessary postpone or cancel, all his outstanding orders to the extent required by paragraph (e) of Priorities Regulation 32, and all deliveries and re-

ceipts are again subject to all provisions of that regulation.

Issued this 29th day of December 1945.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-23152; Filed, Dec. 29, 1945;  
11:52 a. m.]

#### PART 3201—MINING

[Limitation Order L-269, Revocation]

Section 3201.1 *Limitation Order L-269* is revoked. This revocation does not affect any liability for violation of the order or of actions taken by WPB or CPA under the order. Production and delivery of mining machinery remains subject to the provisions of Direction 1 to Priorities Regulation 28, as amended simultaneously with this revocation, and all other applicable CPA orders and regulations.

Issued this 29th day of December 1945.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-23148; Filed, Dec. 29, 1945;  
11:52 a. m.]

#### PART 3281—PULP AND PAPER

[General Conservation Order M-241, Revocation]

##### PAPER AND PAPERBOARD

Section 3281.63 *General Conservation Order M-241* is hereby revoked, effective January 1, 1946. This revocation does not affect any liabilities incurred for violation of the order, or of actions taken by the War Production Board or Civilian Production Administration under the order.

Issued this 29th day of December 1945.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-23149; Filed, Dec. 29, 1945;  
11:52 a. m.]

#### PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, as Amended Nov. 2, 1945,  
Amdt. 1]

Rubber Order R-1 as amended November 2, 1945, is hereby amended as follows:

1. By changing § 4600.08, *Acquisition of tires and tubes for original equipment*, to read:

§ 4600.08 *Acquisition of tires and tubes for original equipment—(a) Vehicle manufacturer's certificate.* In order to obtain tires and tubes for original equipment a vehicle manufacturer must certify his purchase order in substantially the following form, signed by an authorized official of his company:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in section 35A of the United States Criminal Code, that the tires and tubes listed on the attached purchase order are required by him for mounting only on running wheels of the vehicles or equipment made by him, and that the deliveries specified will not result at any time in an inventory greater than required for his scheduled production in the fifteen (15) days following any delivery date.

Use of the above certification constitutes a representation that the deliveries scheduled will not result in the acquisition of more tires and tubes (including inventory) than are required for the particular manufacturer's production of vehicles or equipment during the 15-day period following each scheduled delivery. In the event of a decrease in the number of tires and tubes actually required, due to work stoppage in the vehicle manufacturer's plant or for any other cause, the vehicle manufacturer shall immediately notify his supplier of the reduction in the requirement, and the scheduled deliveries must be revised accordingly.

(b) *Tires and tubes may not be purchased to provide spares.* A manufacturer of vehicles or other equipment mounted on rubber tires may purchase tires and tubes only for the running wheels of such vehicles and equipment. He shall not purchase tires and tubes for the purpose of providing a spare tire or tube for any such vehicles or equipment.

This amendment shall be effective January 1, 1946.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 29th day of December 1945.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-23153; Filed, Dec. 29, 1945;  
11:52 a. m.]

#### PART 3293—CHEMICALS

[Conservation Order M-384, Revocation]

##### LEAD CHEMICALS

Section 3293.641 *Conservation Order M-384* and Directions 1 and 2 to Conservation Order M-384 are revoked. This revocation does not affect any liabilities incurred for violations of the order or the directions, or of actions taken by the War Production Board or Civilian Production Administration under the order or directions. The quota provisions of the order are superseded by Conservation Order M-38, as amended.

Issued this 29th day of December 1945.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-23150; Filed, Dec. 29, 1945;  
11:52 a. m.]

No. 1—5

#### Chapter XVIII—Office of Stabilization Administrator, Office of War Mobiliza- tion and Reconversion

[Directive 92]

#### PART 4003—SUPPORT PRICES: SUBSIDIES

##### PEANUTS, 1946 CROP

The Secretary of Agriculture on December 20, 1945 submitted certain information and recommendations to the Stabilization Administrator with reference to the support by loan and purchase of the price of peanuts of the 1946 crop.

Accordingly, pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 10155), Executive Order 9620 of September 20, 1945 (10 F.R. 12033), the directive of October 13, 1945, issued by the Director of War Mobilization and Reconversion (10 F.R. 12812), and Executive Order 9651 of October 30, 1945 (10 F.R. 13487); *It is hereby ordered:*

The Secretary of Agriculture is authorized and directed to formulate and carry out in accordance with his letter of December 20, 1945 and the memorandum attached thereto a program to support the prices of peanuts of the 1946 crop by purchase and loan at 90 percent of parity as of July 15, 1946.

(E.O. 9250; E.O. 9328; 3 CFR, Cum. Supp.; E.O. 9599, 10 F.R. 10155; E.O. 9620, 10 F.R. 12033; and E.O. 9651, 10 F.R. 13487)

Issued and effective this 28th day of December 1945.

J. C. COLLET,  
Stabilization Administrator.

[F. R. Doc. 45-23119; Filed, Dec. 28, 1945;  
2:28 p. m.]

#### TITLE 49—TRANSPORTATION AND RAILROADS

#### Chapter I—Interstate Commerce Commission

##### PARTS 72,<sup>1</sup> 75<sup>1</sup> AND 85<sup>2</sup>—TRANSPORTATION OF EXPLOSIVES

##### PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES, MOTOR CARRIER SAFETY REGULATIONS, REVISED (CFR 197)

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of December, A. D. 1945.

*Motor Carrier Safety Regulations, Revised.* In the matter of regulations governing the transportation of explosives and other dangerous articles by motor vehicle. Ex Parte No. MC-13.

In the matter of regulations for transportation of explosives and other dangerous articles. No. 3666.

<sup>1</sup> Part 3.—Regulations applying to shippers (CFR 75) motor vehicle cargo tank specifications (CFR 72).

<sup>2</sup> Part 7.—Regulations applying to shipments made by way of common, contract, or private carriers by public highway (CFR 85).

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers. Ex Parte No. MC-3.

It appearing, that an order herein December 31, 1943 (9 F.R. 540), amended a prior order herein of April 20, 1943, by modifying the applicability rule, § 197.01 (a) and (b) of Part 7 of Motor Carrier Safety Regulations, Revised, covering the transportation of explosives and other dangerous articles in interstate, foreign, and intrastate commerce, by common, contract, and private carriers, and by granting certain exceptions thereto applicable to private carriers because of scarcity of labor, materials and equipment due to war conditions; and

It further appearing, that the effectiveness of the order of December 31, 1943 (10 F.R. 120) was extended to December 31, 1945, by our order of December 30, 1944, for reasons stated therein; and

It further appearing, that upon a showing by the American Trucking Associations, Inc., and the American Petroleum Institute, the conditions which necessitated the order of December 31, 1943 and its extension, continue to exist and create a need for the further extension of the said order:

It is ordered, that the said order of December 31, 1943, be, and it hereby is, extended until December 31, 1946, unless otherwise ordered by the Commission; and

It is further ordered, that this order shall be effective on and after December 31, 1945, and that notice hereof shall be given to motor carriers and the general public by depositing a copy of it in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 233, 41 Stat. 1445; sec. 204, 49 Stat. 546, 54 Stat. 921; 18 U.S.C. 383; 49 U.S.C. 304)

—[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 45-23031; Filed, Dec. 28, 1945;  
11:36 a. m.]

#### TITLE 47—TELECOMMUNICATION

#### Chapter I—Federal Communications Commission

##### PART 3—RULES GOVERNING STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS

##### SUBPART D—RULES GOVERNING TELEVISION BROADCAST STATIONS<sup>1</sup>

##### Classification of Television Stations and Allocation of Frequencies

- Sec.  
3.601 Numerical designation of television channels.  
3.602 Sharing of television channels.  
3.603 Community stations.  
3.604 Metropolitan stations.  
3.605 Rural stations.

<sup>1</sup> Adopted by the Federal Communications Commission on November 28, 1945, effective immediately.

Sec.  
3.606 Table showing allocation of television channels to metropolitan districts in the United States.

#### Rules Governing Administrative Procedure

3.611 Application for television stations.  
3.612 Full disclosures.  
3.613 Installation or removal of apparatus.  
3.614 Period of construction.  
3.615 Forfeiture of construction permits; extension of time.  
3.616 Equipment tests and proof of performance.  
3.617 Program tests.  
3.618 Normal license period.  
3.619 License, simultaneous modification and renewal.  
3.620 Renewal of license.  
3.621 Temporary extension of station licenses.  
3.622 Repetitious applications.  
3.623 Assignment or transfer of control.

#### Rules Relating to Licensing Policies

3.631 Exclusive affiliation of station.  
3.632 Territorial exclusivity.  
3.633 Term of affiliation.  
3.634 Option time.  
3.635 Right to reject programs.  
3.636 Network ownership of stations.  
3.637 Dual network operation.  
3.638 Control by networks of station rates.  
3.639 Use of common antenna site.  
3.640 Multiple ownership.

#### Rules Relating to Equipment

3.651 Transmitter power.  
3.652 Frequency monitors.  
3.653 Modulation monitors.  
3.654 Required transmitter performance.  
3.655 Auxiliary transmitter.  
3.656 Alternate main transmitters.  
3.657 Changes in equipment and antenna system.

#### Rules Relating to Technical Operation

3.661 Time of operation.  
3.662 Experimental operation.  
3.663 Station inspection.  
3.664 Station license, posting of.  
3.665 Operator requirements.  
3.666 Operating power; how determined.  
3.667 Modulation.  
3.668 Frequency tolerance.  
3.669 Inspection of tower lights and associated control equipment.

#### Other Rules Relating to Operation

3.681 Logs.  
3.682 Logs, retention of.  
3.683 Logs, by whom kept.  
3.684 Log form.  
3.685 Correction of logs.  
3.686 Rough logs.  
3.687 Station identification.  
3.688 Mechanical reproductions.  
3.689 Sponsored programs, announcement of.  
3.690 Broadcasts by candidates for public office.  
3.691 Rebroadcast.

AUTHORITY: §§ 3.601 to 3.691, inclusive, issued under sec. 4 (i), 48 Stat. 1066; sec. 303 (a), 48 Stat. 1082; sec. 303 (b), 48 Stat. 1082; sec. 303 (c), 48 Stat. 1082; sec. 303 (d), 48 Stat. 1082; sec. 303 (e), 48 Stat. 1082; sec. 303 (f), 48 Stat. 1082; sec. 303 (g), 48 Stat. 1082; sec. 303 (h), 48 Stat. 1082; sec. 303 (i), 48 Stat. 1082; sec. 303 (j), 48 Stat. 1082; sec. 303 (l), 48 Stat. 1082; sec. 303 (m), 48 Stat. 1082; sec. 303 (o), 48 Stat. 1082; sec. 325 (a), 48 Stat. 1091; sec. 315, 48 Stat. 1088; 47 U. S. C. 154 (i), 303 (a), 303 (b), 303 (c), 303 (d), 303 (e), 303 (f), 303 (g), 303 (h),

303 (i), 303 (j), 303 (l), 303 (m), 303 (o), 325 (a), 315.

Section 4.201 through 4.281 are repealed, and the following is substituted therefor.

#### Classification of Television Stations and Allocation of Frequencies

§ 3.601 Numerical designation of television channels.—The channels or frequency bands set forth below are available for television broadcast stations.

Chl. No.: Megacycles	Chl. No.: Megacycles
1 ----- 44-50	8 ----- 180-186
2 ----- 54-60	9 ----- 186-192
3 ----- 60-66	10 ----- 192-198
4 ----- 66-72	11 ----- 198-204
5 ----- 72-78	12 ----- 204-210
6 ----- 78-84	13 ----- 210-216
7 ----- 174-180	

§ 3.602 Sharing of television channels. Channels 1 through 5 and 7 through 13 are available for assignment to radio services other than television upon a showing that no mutual interference will result.

§ 3.603 Community stations. (a) A community station is designed primarily for rendering service to the smaller metropolitan districts or principal cities. Television channel No. 1 is assigned exclusively for community stations. Channels 2 to 13, inclusive, can also be used for community stations provided such use complies with § 3.606.

(b) The power of a community station may not exceed an effective radiated peak power of 1 kilowatt. The maximum antenna height for such stations shall be 500 feet above the average terrain as determined by methods prescribed in the Standards of Good Engineering Practice concerning Television Broadcast Stations.

(c) The main studio of a community station shall be located in the city or town served and the transmitter shall be located as near the center of the city as practicable.

§ 3.604 Metropolitan stations. Metropolitan stations may be assigned to television channels 2 through 13, both inclusive. They are designed primarily to render service to a single metropolitan district or a principal city and to the rural area surrounding such metropolitan district or principal city.

(b) Metropolitan stations are limited to a maximum of 50 kilowatts effective radiated peak power with antenna having a height of 500 feet above the average terrain, as determined by the methods prescribed in Standards of Good Engineering Practice concerning television broadcast stations. Where higher antenna heights are available, they should be used but in such cases the Commission may authorize less than 50 kilowatts effective radiated peak power so that the coverage (within the 5000 uv/m contour) shall be substantially similar to that which would be provided by 50 kilowatts effective radiated peak power and a 500 foot antenna. Where it is shown that an antenna

height of 500 feet is not available, the Commission may authorize the use of a lower height antenna but will not permit an increase in radiated power in excess of 50 kilowatts. The service area of metropolitan stations will not be protected beyond the 5000 uv/m contour and such stations will be located in such a manner as to insure, insofar as possible, a maximum of television service to all listeners, whether urban or rural.

(c) The main studio for metropolitan stations shall be located in the city or metropolitan district with which the station is associated and the transmitter should be located so as to provide the maximum service to the city or metropolitan district served.

§ 3.605 Rural stations. (a) Licensees of metropolitan stations or applicants who desire to qualify as licensees of rural stations must make a special showing to the Commission that they propose to serve an area more extensive than that served by a metropolitan station and that the additional area proposed to be served is predominantly rural in character. In addition, a showing must be made that such use of the channel will not cause objectionable interference to other television stations or prevent the assignment of other television stations where there is reasonable evidence of the probability of such station being located in the future.

(b) Channels 2 through 13 are available for assignment to rural stations. The service area of rural stations will be determined by the Commission.

(c) The main studio of rural stations shall be located within the 500 uv/m contour.

§ 3.606 Table showing allocation of television channels to metropolitan districts in the United States. (a) The table below sets forth the channels which are available for the areas indicated. The table below will be revised from time to time depending upon the demand for television stations which may exist in the various cities. Where it is desired to use a different channel in any such area, or to use one of the channels in another area conflicting therewith, it must be shown that public interest, convenience, or necessity will be better served thereby than by the allocation set forth in the table.

(b) Only the first 140 metropolitan districts are listed in the table below. Stations in other metropolitan or city areas not listed in the table will not be assigned closer than 150 miles on the same channel or 75 miles on adjacent channels, except upon an adequate showing that public interest, convenience, or necessity would be better served thereby or that by using lower power or by other means equivalent protection is provided.

(c) Persons desiring to enter into a voluntary sharing arrangement of a television channel may file application therefor with the Commission pursuant to the provisions of § 3.661 (c).

Metropolitan district (U. S. census 1940)	Sales rank	Popu- lation	Channel Nos.		Total stations		Metropolitan district (U. S. census 1940)	Sales rank	Popu- lation	Channel Nos.		Total stations	
			Metropolitan	Com- munity	Metro- politan	Com- munity				Metropolitan	Com- munity	Metro- politan	Com- munity
Akron	35	349,705	11		1		Macon	137	74,830	4, 7, 10		3	
Albany							Madison	101	78,349	9		1	
Schenectady	23	431,575	2, 4, 7, 9, 11		5		Manchester	118	81,932		1		1
Troy							Memphis	37	332,477	2, 4, 5, 7, 9		5	
Allentown							Miami	38	250,537	2, 4, 5, 7		4	
Bethlehem	43	325,142		8		1	Milwaukee	15	790,336	3, 6, 8, 10		4	
Easton							Minneapolis	11	911,077	2, 4, 5, 7, 9		5	
Altoona	111	114,094	9		1		Mobile	119	144,906	3, 5, 9, 11		4	
Amarillo	130	53,463	2, 4, 5, 7		4		Montgomery	126	93,697	6, 10		2	
Asheville	132	76,324	5, 7, 12		3		Nashville	56	241,769	4, 5, 7, 9		4	
Atlanta	25	442,294	2, 5, 8, 11		4		New Haven	39	308,228		6		1
Atlantic City	83	100,090		8	2	1	New Orleans	31	540,030	2, 4, 6, 7, 10		5	
Augusta, Ga.	135	87,809	6, 12		3		Northwestern New Jersey	1	11,690,520	2, 4, 5, 7, 9, 11, 13		7	
Austin	106	106,193	8, 10, 12		3		Norfolk						
Baltimore	13	1,046,692	2, 11, 13		3		Portsmouth	47	330,396	4, 7, 11, 13		4	
Beaumont	90	138,608	3, 6, 8, 10		4		Newport News						
Port Arthur							Oklaoma City	52	221,229	2, 4, 5, 9		4	
Binghamton	75	145,156	12		1		Omaha	40	287,269	3, 6, 7		3	
Birmingham	42	407,851	4, 9, 13		3		Council Bluffs						
Boston	5	2,350,514	2, 4, 7, 9, 13		5		Peoria	69	162,566	3, 6, 12		3	
Bridgeport, Conn.	53	216,621		1		1	Philadelphia	4	2,898,644	3, 6, 10, 12		4	
Buffalo	14	857,719	4, 7, 9, 13		4		Phoenix	84	121,828	2, 4, 5, 7		4	
Niagara							Pittsburgh	8	1,994,060	3, 6, 8, 10		4	
Canton, Ohio	63	200,352		1		1	Portland, Maine	89	106,566	3, 8		2	
Cedar Rapids	115	73,219	7, 11		2		Portland, Ore.	22	406,406	3, 6, 8, 10, 12		5	
Charleston, S. C.	127	98,711	7, 10, 13		3		Providence, R. I.	18	711,500	11		1	
Charleston, W. Va.	88	136,332	7, 11, 13		3		Pueblo	140	62,039	3, 6, 8, 10		4	
Charlotte	99	112,986	3, 9, 11		3		Racine	97	135,075		1		1
Chatanooga	76	193,215	3, 6, 10, 12		4		Kenosha				5		1
Chicago	2	4,499,126	2, 4, 5, 7, 9, 11, 13		7		Reading	73	175,355				
Cincinnati	16	789,309	2, 4, 7, 11		4		Richmond	48	245,674	3, 6, 8, 10		4	
Cleveland	9	1,214,943	2, 4, 5, 7, 9		5		Roanoke	104	110,593	5, 9, 12		3	
Columbia	117	89,555	2, 4, 8		3		Rochester	28	411,970	2, 6, 11		3	
Columbus, Ga.	133	92,478	3, 12		2		Rockford	102	105,259	12		1	
Columbus, Ohio	29	365,796	3, 6, 8, 10		4		Sacramento	54	158,999	3, 6, 10		3	
Corpus Christi	121	70,677	3, 6, 8, 10		4		Saginaw	77	153,388	3, 8, 13		3	
Dallas	27	376,548	4, 8, 12		3		Bay City						
Davenport							St. Joseph	129	86,991	13		1	
Rock Island	67	179,995	2, 4, 5, 9		4		St. Louis	10	1,367,977	4, 5, 7, 9, 13		5	
Moline							Salt Lake City	58	204,488	2, 4, 5, 7, 9		5	
Dayton	44	271,513	5, 13		2		San Antonio	50	319,010	2, 4, 5, 7, 9		6	
Decatur	122	65,764	2		1		San Diego	49	256,268	3, 6, 8, 10		4	
Denver	26	384,372	2, 4, 5, 7, 9		5		San Francisco	7	1,428,525	2, 4, 5, 7, 9, 11		6	
Des Moines	59	183,973	2, 4, 5, 9		4		Oakland						
Detroit	6	2,295,867	2, 4, 5, 7, 9		5		San Jose	78	129,367	13		1	
Duluth							Savannah	114	117,970	3, 5, 9, 11		4	
Superior	72	157,098	3, 6, 8, 10		4		Scranton	30	629,581		1	1	1
Durham	139	69,683	4, 7		2		Wilkes-Barre						
El Paso	105	115,801	2, 4, 5, 7		4		Seattle	19	452,639	2, 5, 7, 11		4	
Erie	95	134,039	12		1		Shreveport	96	112,225	2, 4, 6, 8		4	
Evansville, Ind.	93	141,614	2, 11		2		Sioux City	107	87,791	4, 9, 11, 13		4	
Fall River				1		1	South Bend	80	147,022		1		1
New Bedford	55	272,648					Spokane	71	141,370	2, 4, 5, 7, 9		5	
Flint	64	188,554	11		1		Springfield, Ill.	103	89,484	8, 10		2	
Fort Wayne	81	134,385	2, 4, 7, 9		4		Springfield, Mass.	32	394,623		1	1	1
Fort Worth	51	207,677	2, 5, 10		3		Holyoke						
Fresno	79	97,504	2, 4, 5, 7		2		Springfield, Mo.	134	70,514	2, 4, 5, 9		4	
Galveston	131	71,677	9, 11, 13		3		Springfield, Ohio	125	77,406		1		1
Grand Rapids	57	209,873	7, 9		2		Stockton	108	79,337	8		1	
Greensboro	136	73,055	2, 10		2		Syracuse	46	258,352	5, 8, 10		3	
Hamilton							Tacoma	74	156,018	4, 9, 13		3	
Middletown	110	112,686	9		1		Tampa	61	209,693	2, 4, 5, 7		4	
Harrisburg	70	173,367	8		1		St. Petersburg	116	83,370				
Hartford	20	502,193	8, 10		2		Terre Haute						
New Britain							Toledo	34	341,663	13		1	
Houston	21	510,397	2, 4, 5, 7		4		Topeka	123	77,749	7, 11		2	
Huntington, W. Va.	92	170,979	5		1		Trenton	60	200,128		1		1
Ashland, Ky.							Tulsa	65	188,562	3, 6, 8, 10		4	
Indianapolis	24	455,357	3, 6, 8, 10, 12		5		Utica	68	197,128	3, 13		2	
Jackson	128	88,003	2, 4, 5, 7		4		Rome	138	71,114	3, 6, 9, 11		4	
Jacksonville	66	195,619	2, 4, 6, 8		4		Washington	12	907,816	4, 5, 7, 9		4	
Johnstown, Pa.	100	151,781	13		1		Waterbury	85	144,822	12		1	
Kalamazoo	112	77,213	3		1		Waterloo	120	67,050	3, 6, 13		3	
Kansas City, Mo.	17	634,093	2, 4, 5, 9		4		Wheeling	82	196,340	12		1	
Kansas City, Kans.							Wichita	86	127,308	2, 4, 5, 9		4	
Knoxville	87	151,829	2, 4, 8, 11		4		Wilmington	62	188,974		7		1
Lancaster	91	132,027		4		1	Winston-Salem	124	109,833	6, 8		2	
Lansing	94	110,356	6		2		Worcester	41	306,194	5		1	
Lincoln	109	88,191	10, 12		4		York	113	92,627		1		1
Little Rock	98	126,724	3, 6, 8, 10		7		Youngstown	36	372,428	13		1	
Los Angeles	3	2,904,596	2, 4, 5, 7, 9, 11, 13		2								
Louisville	33	434,408	5, 9		1								
Lowell													
Lawrence	45	334,969	6		1								
Haverhill													

### Rules Governing Administrative Procedure

§ 3.611 *Application for television stations.* Each applicant for a construction permit for a new television broadcast station, change in facilities of any existing television broadcast station, or television station license or modification of license shall file with the Commission in Washington, D. C., three copies of applications on the appropriate form desig-

nated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new television station, Form FCC No. 330 should be filed; for a television station license, Form FCC No. 331 should be filed; and for modification of a television station license or for change in facilities of an existing television station, Form FCC No. 333 should be filed.

§ 3.612 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.613 *Installation or removal of apparatus.* Applications for construction permit or modification thereof, involving removal of existing transmitting appara-

tus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.614 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.615 *Forfeiture of construction permits: extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (Form FCC No. 701) for extension of time within which to construct a station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 3.616 *Equipment tests and proof of performance.* (a) Upon completion of construction of a television station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and standards of good engineering practice governing television stations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 90 days: *Provided*, That the inspector in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Within the 90-day period prescribed by this section for equipment tests, field intensity measurements in accordance with the methods prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations shall be submitted to the Commission. The Commission may grant extensions of time upon showing of reasonable need therefor.

§ 3.617 *Program tests.* (a) When construction and equipment tests are

completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and standards of good engineering practice governing television stations, and after an application for station license has been filed with the Commission showing the equipment to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the inspector in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or § 3.616 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.618 *Normal license period.* All television broadcast station licenses will be issued so as to expire at the hour of 3 a. m. e. s. t. and will be issued for a normal license period of 1 year.

§ 3.619 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.620 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of a television station license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 311). No application for renewal of license of a television broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.301-1.304 of this chapter, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of a television station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.621 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after

hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing television license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however*, That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further*, That such temporary extension of license will in nowise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.622 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new television broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.623 *Assignment or transfer of control—(a) Voluntary.* Application for consent to voluntary assignment of a television station construction permit or license or for consent to voluntary transfer of control of a corporation holding a television station construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) or Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) the Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) within thirty days after the occurrence of such death or legal disability, application on Form FCC No. 314 or 315 shall be filed for consent to involuntary assignment of such television station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

*Rules Relating to Licensing Policies*

§ 3.631 *Exclusive affiliation of station.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied with a network organization<sup>2</sup> under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

§ 3.632 *Territorial exclusivity.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which a station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.633 *Term of affiliation.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than two years: *Provided*, That a contract, arrangement, or understanding for a period up to two years, may be entered into within six months prior to the commencement of such period.

§ 3.634 *Option time.* No license shall be granted to a television broadcast station which options<sup>3</sup> for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours<sup>4</sup> within each of four segments of the broadcast day, as herein described. The broadcast day is divided into 4 segments, as follows: 8:00 a. m. to 1:00 p. m.; 1:00 p. m. to 6:00 p. m.; 6:00 p. m. to 11:00 p. m.; 11:00

<sup>2</sup> The term "network organization" as used herein includes national and regional network organizations. See Chapter VII, J, of Report on Chain Broadcasting.

<sup>3</sup> As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

<sup>4</sup> All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

p. m. to 8:00 a. m.<sup>5</sup> Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

§ 3.635 *Right to reject programs.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

§ 3.636 *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control<sup>6</sup> of a network organization, for a television broadcast station in any locality where the existing television broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

§ 3.637 *Dual network operation.* No license shall be issued to a television broadcast station affiliated with a network organization which maintains more than one network of television broadcast stations: *Provided*, That this regulation shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.638 *Control by networks of station rates.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.639 *Use of common antenna site.* No television license or renewal of a television license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for television broadcasting in a particular area and (a) which is not

<sup>5</sup> These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

<sup>6</sup> The word "control" as used herein, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

available for use by other television licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations.

§ 3.640 *Multiple ownership.* (a) No person (including all persons under common control)<sup>7</sup> shall, directly or indirectly, own, operate, or control more than one television broadcast station that would serve substantially the same service area as another television broadcast station owned, operated, or controlled by such person.

(b) No person (including all persons under common control) shall, directly or indirectly, own, operate, or control more than one television broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among television broadcast stations or provide a television broadcasting service distinct and separate from existing services, and (2) that such ownership, operation, or control would not result in the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity; *Provided, however*, That the Commission will consider the ownership, operation, or control of more than five television broadcast stations to constitute the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

*Rules Relating to Equipment*

§ 3.651 *Transmitter power.* The rated power and operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice concerning Television Broadcast Stations.

§ 3.652 *Frequency monitors.* The licensee of each television broadcast station shall have in operation at the transmitters frequency monitors independent of the frequency control of the transmitters.

§ 3.653 *Modulation monitors.* The licensee of each television broadcast station shall have in operation at the transmitter a modulation monitor for the aural transmitter. There shall also be sufficient monitoring equipment for the visual signal to determine that the signal complies with the Standards of Good Engineering Practice concerning Television Broadcast Stations.

§ 3.654 *Required transmitter performance.* The construction, installation, operation, and performance of the television broadcast transmitter system shall be in accordance with the Standards of Good Engineering Practice concerning Television Broadcast Stations.

<sup>7</sup> The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

§ 3.655 *Auxiliary transmitter.* Upon showing that a need exists for the use of auxiliary transmitters in addition to the regular transmitters of a television station, a license therefor may be issued: *Provided, That:*

(a) Auxiliary transmitters may be installed either at the same location as the main transmitters or at another location.

(b) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(c) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitters.

(2) The transmission of regular programs during maintenance or modification work on the main transmitters, necessitating discontinuance of its operation for a period not to exceed five days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitters shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c).

(e) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

§ 3.656 *Alternate main transmitters.* The licensee of a television broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of the Standards of Good Engineering Practice concerning Television Broadcast Stations.

§ 3.657 *Changes in equipment and antenna system.* Licensees of television broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

\*This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.365 of this chapter.

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in the Standards of Good Engineering Practice concerning Television Broadcast Stations.

(b) Specific authority, upon filing formal application (Form FCC No. 333) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(c) Specific authority, upon filing informal request therefor, is required for a change in the indicating instruments installed to measure transmitter power output, except by instruments of the same maximum scale reading and accuracy.

(d) Other changes, except as above provided for in this section or in Standards of Good Engineering Practice concerning Television Broadcast Stations prescribed by the Commission may be made at any time without the authority of the Commission: *Provided, That* the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

#### Rules Relating to Technical Operation

§ 3.661 *Time of operation.* (a) All television broadcast stations will be licensed for unlimited time operation. Each licensed television station shall maintain a regular program operating schedule of not less than 2 hours in any given broadcast day, and it shall render not less than 28 hours program service per week. In an emergency, however, when due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days: *Provided, That* the Commission and the Inspector in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

(b) The aural transmitter of a television broadcast station shall not be operated separately from the visual transmitter except for experimental or test purposes, and for purposes incidental to or connected with the operation of the visual transmitter.

(c) Persons desiring to enter into a voluntary sharing arrangement of a television channel may file application there-

for with the Commission. Copies of the time-sharing agreement should be filed with the application.

§ 3.662 *Experimental operation.* Television broadcast stations may conduct technical experimentation directed to the improvement of technical phases of operation and for such purposes may utilize a signal other than the standard television signal subject to the following conditions:

(a) That the licensee complies with the provisions of § 3.661 with regard to the minimum number of hours of transmission with a standard television signal.

(b) That no transmissions are radiated outside of the authorized channel and subject to the condition that no interference is caused to the transmissions of a standard television signal by other television broadcast stations.

(c) No charges either direct or indirect shall be made by the licensee of a television broadcast station for the production or transmission of programs when conducting technical experimentation.

§ 3.663 *Station inspection.* The licensee of any television broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.664 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.665 *Operator requirements.* One or more licensed radio-telephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of a television broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 3.666 *Operating power: how determined.* The operating power, and the requirements for maintenance thereof, of each television broadcast station shall be determined by the methods prescribed in the Standards of Good Engineering Practice concerning Television Broadcast Stations.

§ 3.667 *Modulation.* The percentage of modulation of the aural transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.668 *Frequency tolerance.* The operating frequencies of the aural and visual transmitters of a television broad-

cast station shall be maintained within .002% of the assigned frequencies.

**§ 3.669 Inspection of tower lights and associated control equipment.** The licensee of any television station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

#### Other Rules Relating to Operation

**§ 3.681 Logs.** The licensee of each television station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical reproduction, either visual or aural, is used, the entry shall show the exact nature thereof, and the time it is announced as a mechanical reproduction. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the aural transmitter (total plate current and plate voltage).

(ii) Transmission line current or voltage of both transmitters.

(iii) Frequency monitor reading.

(5) Log of experimental operation during experimental period (if regular

operation is maintained during this period, the above logs shall be kept).

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna or antenna supporting structure(s) is required to be illuminated, the licensee shall make entries in the radio station log appropriate to the requirements of § 3.669 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

**§ 3.682 Logs, retention of.** Logs of television broadcast stations shall be retained by the licensee for a period of 2 years. However, logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

**§ 3.683 Logs, by whom kept.** Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

**§ 3.684 Log form.** The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

**§ 3.685 Correction of logs.** No log or portion thereof shall be erased, obliterated, or wilfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

**§ 3.686 Rough logs.** Rough logs may be transcribed into condensed form, but in such case, the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

**§ 3.687 Station identification.** (a) A licensee of a television broadcast station shall make station identification announcement (call letters and location), at the beginning and ending of each time of operation and during the operation on the hour. The announcement at the beginning and ending of each time of operation shall be by both aural and visual means. Other announcements may be by either aural or visual means.

(b) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

**§ 3.688 Mechanical reproductions.** (a) Each program which consists in whole or in part of one or more mechanical reproductions, either visual or aural, shall be accompanied by an appropriate announcement to that effect either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used. No such announcement shall be required where a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper.

(b) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. The licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

**§ 3.689 Sponsored programs, announcement of.** (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with

the broadcasting of such program: *Provided, however*, That only one such announcement need be made in the case of any such program of five minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) hereof are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the television broadcast stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.690 *Broadcasts by candidates for public office*—(a) *Legally qualified candidates*. A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who

(1) has qualified for a place on the ballot or

(2) is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a *bona fide* candidate for nomination or office, as the case may be.

(b) *General requirements*. No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities, *Provided*, That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices*. The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Inspection of records*. Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.691 *Rebroadcast*. (a) The term "rebroadcast" means reception by radio of the program of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a relay broadcast station or studio transmitter link is not considered a rebroadcast.

(b) The licensee of a television broadcast station may, without further authority of the Commission, rebroadcast the program of a United States television broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.<sup>10</sup>

(c) No licensee of a television broadcast station shall rebroadcast the program of any United States radio station not designated in (b) above without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of con-

<sup>9</sup> As used in this section, program includes any complete program or part thereof.

<sup>10</sup> The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a television broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

sent of the licensee of the station originating the program.<sup>11</sup>

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23070; Filed, Dec. 28, 1945; 11:51 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service

#### PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

##### TENNESSEE NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For addition to tabulation in § 11.1 see Executive Order 9670, *supra*.

## Notices

### CIVIL AERONAUTICS BOARD.

[Docket No. 2144]

COLONIAL AIRLINES, INC., SERVICE TO  
NEWARK, N. J.

#### NOTICE OF HEARING

In the matter of the application of Colonial Airlines, Inc., for amendment of its certificate of public convenience and necessity for route No. 72, so as to designate Newark, N. J., as a co-terminal with New York, N. Y., on said route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on January 14, 1946, at 10:00 a. m. (eastern standard time) in the Foyer, Commerce Auditorium, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Lawrence J. Kisters.

Dated: Washington, D. C., December 28, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 45-23154; Filed, Dec. 29, 1945; 11:57 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6918]

WALTER A. GRAHAM

#### NOTICE OF HEARING

In re application of Walter A. Graham (new), date filed, September 4, 1945, for Construction Permit; class of service, Standard Broadcast; class of station, Standard Broadcast; location, Tipton,

<sup>11</sup> By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.691 (d) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.

Georgia; operating assignment specified: Frequency, 1300 kc; power, 250 w; hours of operation, unlimited time; File No. B3-P-4059.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the application of Scripps-Howard Radio, Inc., Cleveland, Ohio (File No. B2-P-4118; Docket No. 6916), Cleveland Broadcasting, Inc., Cleveland, Ohio (File No. B2-P-4058; Docket No. 6917), Kentucky Broadcasting Company, Lexington, Kentucky (File No. B2-P-4116; Docket No. 6914), and P. C. Wilson, Canton, Ohio (File No. B2-P-4117; Docket No. 6915), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Walter A. Graham, % Texas Company, Tipton, Georgia.

No. 1—6

Dated at Washington, D. C., December 17, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23080; Filed, Dec. 28, 1945;  
11:52 a. m.]

[Docket No. 6819]

COLUMBUS BROADCASTING CO. (WRBL)

#### NOTICE OF HEARING

In re application of J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr. d/b as Columbus Broadcasting Company (WRBL), date filed September 18, 1945, for const. perm. for chg. in freq., incr. in power, inst. of new transm. and D. A. for ni. use, and chg. in trans. location; class of service, standard broadcast; class of station, standard broadcast; location, Columbus, Georgia; operating assignment specified: frequency 1420 kc.; power, 5 kw<sup>1</sup> 5 kw; hours of operation, unlimited time; File No. B3-P-3986.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Thomas-ton Broadcasting Company (File No. B3-P-3829, Docket No. 6818), Muscogee Broadcasting Company, a partnership composed of F. R. Pidcock, Sr., R. C. Dunlap, Jr., F. R. Pidcock, Jr., Beecher Hayford and James M. Wilder (File No. B3-P-4082, Docket No. 6820), Chattahoochee Broadcasting Company (File No. B1-P-4149, Docket No. 6821), Palm Beach Broadcasting Corporation (WWPG) (File No. B3-P-3968, Docket No. 6822), A. Frank Katzentine (File No. B3-P-3674, Docket No. 6705), City of Sebring, Florida (File No. B3-P-3583, Docket No. 6696) on the following issues:

1. To determine the technical and financial qualifications of the applicant and of its members, to construct and operate Station WRBL as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WRBL, and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operation of Station WRBL would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the proposed operation of Station WRBL would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the

<sup>1</sup>DA—for night use.

availability of other broadcast services to such areas and populations.

6. To obtain full information with respect to the connections and relationships, direct or indirect, and the nature, extent, and effect thereof existing between the applicant and its members, and the licensees of Stations WGPC and WATL and the officers, directors, and stockholders, or partners thereof, or any of them.

7. To determine whether the proposed installation and operation of Station WRBL would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant's address is as follows: J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr., d/b as Columbus Broadcasting Company, 1420 Second Avenue, Columbus, Georgia.

Dated at Washington, D. C., December 13, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23079; Filed, Dec. 28, 1945;  
11:52 a. m.]

[Docket No. 6820]

MUSCOGEE BROADCASTING CO.

#### NOTICE OF HEARING

In re application of Muscogee Broadcasting Company, a partnership composed of F. R. Pidcock, Sr., R. C. Dunlap, Jr., F. R. Pidcock, Jr., Beecher Hayford and James M. Wilder (New), date filed, October 5, 1945, for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Columbus, Georgia; operating assignment specified: frequency, 1450 kc; power, 250 w; hours of operation, unlimited; file No. B3-P-4082.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Thomas-ton Broadcasting Company (File No. B3-P-3829, Docket No. 6818), J. W. Woodruff, J. W. Woodruff, Jr., and E. B. Cartledge, Jr., d/b as Columbus Broadcasting Company (WRBL) (File No. B3-P-3986, Docket No. 6819), Chattahoochee Broadcasting Company (File No. B3-P-4149, Docket No. 6821), Palm Beach Broadcasting Corporation (WWPG) (File No. B3-P-3968, Docket No. 6822), A. Frank Katzentine (File No. B3-P-3674, Docket No. 6705), City of Sebring, Florida (File No. B3-P-3583, Docket No. 6696) on the following issues:

1. To determine the legal, technical, and financial and other qualifications of the applicant, and of its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the extent and character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To obtain full information with respect to the interests which the applicant or any of its members hold in other standard broadcast stations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Muscogee Broadcasting Company, a partnership composed of F. R. Pidcock, Sr., R. C. Dunlap, Jr., F. R. Pidcock, Jr., Beecher Hayford and James M. Wilder, % R. C. Dunlap, Jr., Fourth National Bank, Columbus, Georgia.

Dated at Washington, D. C., December 13, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23078; Filed, Dec. 28, 1945;  
11:52 a. m.]

[Docket No. 6964]

BELOIT BROADCASTING CO.  
NOTICE OF HEARING

In re application of Sidney H. Bliss  
tr/as Beloit Broadcasting Company

(New), date filed, October 9, 1945; for, Construction Permit; class of service, Standard Broadcast; class of station, Standard Broadcast; location, Beloit, Wisconsin; operating assignment specified: frequency, 1490 kc; power, 100 w; hours of operation, unlimited time; File No. B4-P-4161.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of George A. Ralston and Jerry C. Miller d/b as The Elgin Broadcasting Company (File No. B4-P-3833, Docket No. 6962) and William L. Klein (File No. B4-P-4075, Docket No. 6963), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of the proposed station with stations at Elgin, Illinois, and Oak Park, Illinois, as proposed by The Elgin Broadcasting Company (Docket No. 6962) and William L. Klein (Docket No. 6963), respectively, as well as the areas and populations affected thereby, and other broadcast service available to those areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standard of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the

applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Sidney H. Bliss d/b as Beloit Broadcasting Company, 200 East Milwaukee Street, Janesville, Wisconsin.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23081; Filed, Dec. 28, 1945;  
11:52 a. m.]

[Docket No. 7023]

MISSION BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re application of Mission Broadcasting Company, San Jose, Calif., for construction permit. Docket No. 7023. File No. B5-P-4266.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of December, 1945;

The Commission having under consideration an application (Filed November 16, 1945) by Mission Broadcasting Company for a construction permit for a new standard broadcast station at San Jose, California, using the frequency 1490 kc, with 250 watts power, unlimited time, which will involve objectionable interference with some of the stations proposed in the following pending applications:

Golden Gate Broadcasting Corporation (KSAN) (B5-P-3913), California Broadcasting, Inc. (B5-P-4076), Bakersfield Broadcasting Company, L. John Miner, Taft R. Wrathall and Grant R. Wrathall, d/b as Monterey Bay Broadcast Company, Cascade Broadcasting Company, Inc. (KTYW) (B5-P-3889), Amphlett Printing Company (B5-P-3912), Luther E. Gibson, and San Jose Broadcasting Company, which were designated by the Commission for a consolidated hearing on October 23, 1945;

It is ordered, That the application of Mission Broadcasting Company be, and it is hereby designated for hearing in a consolidated proceeding with the above applications of Golden Gate Broadcasting Corporation (KSAN), California Broadcasting, Inc., Bakersfield Broadcasting Company, L. John Miner, Taft R. Wrathall and Grant R. Wrathall, d/b as Monterey Bay Broadcast Company, Cascade Broadcasting Company, Inc. (KTYW), Amphlett Printing Company, Luther E. Gibson, and San Jose Broadcasting Company.

[SEAL]

FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23095; Filed, Dec. 28, 1945;  
11:54 a. m.]

[Docket Nos. 6015, 7024-7029]

OUTLET CO. ET AL.

## ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Outlet Company, Providence, Rhode Island, for construction permit, Docket No. 6015, File No. B1-PH-22; Cherry & Webb Broadcasting Company, Providence, Rhode Island, for construction permit, Docket No. 7024, File No. B1-PH-04; Providence Journal Company, Providence, Rhode Island, for construction permit, Docket No. 7025, File No. B1-PH-316; A. A. Schechter, Providence, Rhode Island, for construction permit, Docket No. 7026, File No. B1-PH-257; The Yankee Network, Inc., Providence, Rhode Island, for construction permit, Docket No. 7027, File No. B1-PH-592; Colonial Broadcasting Company, Providence, Rhode Island, for construction permit, Docket No. 7028, File No. B1-PH-606; Pawtucket Broadcasting Company, Pawtucket, Rhode Island, for construction permit, Docket No. 7029, File No. B1-PH-266.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December, 1945;

The Commission having under consideration the above-entitled applications for construction permit for new metropolitan FM broadcast stations in the Providence-Pawtucket, Rhode Island, metropolitan area; and

Whereas, the Commission in its report of October 26, 1945, indicated that a possible maximum of six metropolitan channels might be available in the vicinity of Providence and Pawtucket, Rhode Island;

*It is ordered*, That the above-entitled applications be designated for consolidated hearing upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.
2. To obtain full information with respect to the nature and character of the proposed program service.
3. To determine the areas and populations which may be expected to receive service from the proposed station.
4. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23097; Filed, Dec. 28, 1945;  
11:54 a. m.]

[Docket Nos. 7030-7037]

WM. H. BLOCK CO., ET AL.

## ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Wm. H. Block Company, Indianapolis, Indiana, for construction permit, Docket No. 7030, File No. B4-PH-412; Evansville on the Air, Inc., Indianapolis, Indiana, for construc-

tion permit, Docket No. 7031, File No. B4-PH-321; WFBM, Inc., Indianapolis, Indiana, for construction permit, Docket No. 7032, File No. B4-PH-252; Scripps-Howard Radio, Inc., Indianapolis, Indiana, for construction permit, Docket No. 7033, File No. B4-PH-368; Indiana Broadcasting Corporation, Indianapolis, Indiana, for construction permit, Docket No. 7034, File No. B4-PH-421; Capitol Broadcasting Corporation, Inc., Indianapolis, Indiana, for construction permit, Docket No. 7035, File No. B4-PH-158; Universal Broadcasting Company, Inc., Indianapolis, Indiana, for construction permit, Docket No. 7036, File No. B4-PH-680; Indianapolis Broadcasters, Inc., Indianapolis, Indiana, for construction permit, Docket No. 7037, File No. B4-PH-103.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1945;

The Commission having under consideration the above-entitled applications for construction permit for new metropolitan FM broadcast stations in the Indianapolis, Indiana, metropolitan area; and

Whereas, it appears that a possible maximum of seven metropolitan channels might be available in the vicinity of Indianapolis, one of which has been assigned to an existing FM licensee;

*It is ordered*, That the above-entitled applications be designated for consolidated hearing upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.
2. To obtain full information with respect to the nature and character of the proposed program service.
3. To determine the areas and populations which may be expected to receive service from the proposed station.
4. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23098; Filed, Dec. 28, 1945;  
11:54 a. m.]

[Docket Nos. 7038-7052]

UNITED BROADCASTING CO. ET AL.

## ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of United Broadcasting Company, Cleveland, Ohio, for construction permit, Docket No. 7038, File No. B2-PH-99; National Broadcasting Company, Inc., Cleveland, Ohio, for construction permit, Docket No. 7039, File No. B2-PH-167; WJW, Inc., Cleveland, Ohio, for construction permit, Docket No. 7040, File No. B2-PH-581; United Garage and Service Corporation, Cleveland, Ohio, for construction permit, Docket No. 7041, File No. B2-PH-562; International Union, United Automobile, Aircraft and Agricultural Implement

Workers of America (UAW-CIO), Cleveland, Ohio, for construction permit, Docket No. 7042, File No. B2-PH-443; WGAR Broadcasting Company, Cleveland, Ohio, for construction permit, Docket No. 7043, File No. B2-PH-157; Scripps-Howard Radio, Inc., Cleveland, Ohio, for construction permit, Docket No. 7044, File No. B2-PH-438; Telair Company, Cleveland, Ohio, for construction permit, Docket No. 7045, File No. B2-PH-694; Cleveland Broadcasting, Inc., Cleveland, Ohio, for construction permit, Docket No. 7046, File No. B2-PH-708; Allen T. Simmons, Akron, Ohio, for construction permit, Docket No. 7047, File No. B2-PH-407; Summit Radio Corporation, Akron, Ohio, for construction permit, Docket No. 7048, File No. B2-PH-215; United Broadcasting Company, Akron, Ohio, for construction permit, Docket No. 7049, File No. B2-PH-461; The Akron Radio Corporation, Akron, Ohio, for construction permit, Docket No. 7050, File No. B2-PH-497; Knight Radio Corporation, Akron, Ohio, for construction permit, Docket No. 7051, File No. B2-PH-632; Telair Company, Akron, Ohio, for construction permit, Docket No. 7052, File No. B2-PH-706.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1945;

The Commission having under consideration the above-entitled applications for construction permit for new metropolitan FM broadcast stations in the Cleveland-Akron, Ohio, metropolitan area; and

Whereas it appears that a possible maximum of ten channels might be available for the Cleveland-Akron area, none of which has yet been assigned;

*It is ordered*, That the above-entitled applications be designated for consolidated hearing upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.
2. To obtain full information with respect to the nature and character of the proposed program service.
3. To determine the areas and populations which may be expected to receive service from the proposed station.
4. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23099; Filed, Dec. 28, 1945;  
11:55 a. m.]

[Docket No. 7059]

MIDWEST BROADCASTING CO.

## ORDER SETTING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Midwest Broadcasting Company, Mount Vernon, Ill., for construction permit. Docket No. 7059, File No. B4-P-3922.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 5th day of December 1945;

The Commission having under consideration the above application of Midwest Broadcasting Company for a permit to construct a new standard broadcast station at Mt. Vernon, Illinois;

*It is ordered*, That the said application be designated for hearing in a consolidated proceeding with the application of Mt. Vernon Radio and Television Company (File No. B4-P-4265), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if either of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23087; Filed, Dec. 28, 1945;  
11:53 a. m.]

[Docket No. 7060]

MT. VERNON RADIO AND TELEVISION CO.  
ORDER SETTING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Mt. Vernon Radio and Television Company, Mt. Vernon, Ill., for construction permit. Docket No. 7060. File No. B4-P-4265.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 6th day of December 1945;

The Commission having under consideration the above application of Mt. Vernon Radio and Television Company for a permit to construct a new standard broadcast station at Mt. Vernon, Illinois;

*It is ordered*, That the said application be designated for hearing in a consolidated proceeding with the application of Midwest Broadcasting Company (File No. B4-P-3922), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if either of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23088; Filed, Dec. 28, 1945;  
11:53 a. m.]

[Docket No. 7061]

NEWBERRY BROADCASTING CO.  
ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of C. A. Kaufmann and John F. Clarkson, d/b as Newberry Broadcasting Company, Newberry, S. C. Docket No. 7061. File No. B3-P-4227.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of December 1945;

The Commission having under consideration the above application of C. A. Kaufmann and John F. Clarkson d/b as Newberry Broadcasting Company for a permit to construct a new standard broadcast station at Newberry, South Carolina.

*It is ordered*, That the said application be designated for hearing in a consolidated proceeding with the application of Robert Lex Easley (File No. B3-P-3875), upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and its members to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WGAC, Augusta, Georgia and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and population.

5. To determine whether the operation of the proposed station would involve objectionable interference with station WSOC, Charlotte, North Carolina and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with the service proposed in the pending application of Robert Lex Easley (File No. B3-P-3875) and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which if either of the application in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23089; Filed, Dec. 28, 1945;  
11:53 a. m.]

[Docket No. 7062]

ROBERT LEX EASLEY

## ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Robert Lex Easley, Laurens, S. C., for construction permit. Docket No. 7062. File No. B3-P-3875.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of December 1945;

The Commission having under consideration the above application of Robert Lex Easley for a permit to construct a new standard broadcast station at Laurens, South Carolina,

*It is ordered*, That the said application be designated for hearing in a consolidated proceeding with the application of C. A. Kaufmann and John F. Clarkson d/b as Newberry Broadcasting Company (File No. B3-P-4227), upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WGAC, Augusta, Georgia, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and population.

5. To determine whether the operation of the proposed station would involve objectionable interference with station WAIM, Anderson, South Carolina, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in the pending application of C. A. Kaufmann and John F. Clarkson d/b as Newberry Broadcasting Company (File No. B3-P-4227), and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which if either of the applications in this

consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 45-23090; Filed, Dec. 28, 1945;  
11:53 a. m.]

[Docket No. 7065]

CAMDEN BROADCASTING CO.

## ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Camden Broadcasting Company, Camden, N. J., for construction permit. Docket No. 7065. File No. B1-P-4173.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of December 1945,

The Commission having under consideration the above application of Camden Broadcasting Company for a permit to construct a new standard broadcast station at Camden, New Jersey:

*It is ordered*, That the said application be designated for hearing in a consolidated proceeding with the application of Chambersburg Broadcasting Company, Chambersburg, Pennsylvania (File No. B2-P-4221), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with the service proposed in the pending application of Chambersburg Broadcasting Company (File No. B2-P-4221) or any other pending application, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 45-23091; Filed, Dec. 28, 1945;  
11:54 a. m.]

[Docket No. 7066]

CHAMBERSBURG BROADCASTING CO.

## ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Chambersburg Broadcasting Company, Chambersburg, Pa., for construction permit. Docket No. 7066. File No. B2-P-4221.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of December, 1945:

The Commission having under consideration the above application of Chambersburg Broadcasting Company for a permit to construct a new standard broadcast station at Chambersburg, Pennsylvania;

*It is ordered*, That the said application be designated for hearing in a consolidated proceeding with the application of Camden Broadcasting Company, Camden, New Jersey (File No. B1-P-4173) upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with the service proposed in the pending application of Camden Broadcasting Company (File No. B1-P-4173) or any other pending application, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 45-23092; Filed, Dec. 28, 1945;  
11:54 a. m.]

[Docket No. 7067]

THE COVINGTON NEWS, INC.

## ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of The Covington News, Inc., Covington, Ga., for construc-

tion permit. Docket No. 7067. File No. B3-P-3923.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of December 1945;

The Commission having under consideration the above application of The Covington News, Inc., for a permit to construct a new standard broadcast station at Covington, Georgia;

*It is ordered*, That the said application be designated for hearing in a consolidated proceeding with the applications of James S. Rivers, d/b as Southeastern Broadcasting System (File No. B3-P-4235), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with the service proposed in the pending application of James S. Rivers, d/b as Southeastern Broadcasting System (File No. B3-P-4235), and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23093; Filed, Dec. 28, 1945;  
11:54 a. m.]

[Docket No. 7068]

#### SOUTHEASTERN BROADCASTING SYSTEM

#### ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of James S. Rivers, d/b as Southeastern Broadcasting System, East Point, Ga., for construction permit. Docket No. 7068. File No. B3-P-4235.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of December, 1945;

The Commission having under consideration the above application of James S. Rivers, d/b as Southeastern Broadcasting System, for a permit to construct a new standard broadcast station at East Point, Georgia;

*It is ordered*, That the said application be designated for hearing in a consolidated proceeding with the application of

The Covington News, Inc. (File No. B3-P-3923), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of The Covington News, Inc. (File No. B3-P-3923), and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would provide primary service to the entire metropolitan district of Atlanta, Georgia, as required by the Commission's Standards of Good Engineering Practice.

6. To determine whether the installation and operation of the proposed station would be otherwise in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if either of the applications in this consolidated proceeding, should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23094; Filed, Dec. 28, 1945;  
11:54 a. m.]

[Docket No. 7069]

#### CATALINA BROADCASTING CO.

#### ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re application of Catalina Broadcasting Company, Tucson, Ariz., for construction permit. Docket No. 7069. File No. B5-P-4262.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1945.

The Commission having under consideration an application (filed November 5, 1945) by Catalina Broadcasting Company for a construction permit for a new standard broadcast station at Tucson, Arizona, using the frequency of 1340 kilocycles, with 250 watts power, unlimited time, said application being mutually exclusive with the applications of Old Pueblo Broadcasting Company (File No. B5-P-4073) and Sun Country Broadcasting Company (File No. B5-P-4121).

*It is ordered*, That the application of Catalina Broadcasting Company be, and it is hereby designated for hearing in a consolidated proceeding with the above applications of Old Pueblo Broadcasting Company and Sun Country Broadcasting Company.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23096; Filed, Dec. 28, 1945;  
11:54 a. m.]

[Docket No. 6975]

#### ATLANTIC COAST BROADCASTING CO.

#### NOTICE OF HEARING

In re application of Atlantic Coast Broadcasting Company (WTMA), date filed, November 3, 1944; for, construction permit to change frequency, increase power, make changes in directional antenna for night use and transmitter site; class of service, broadcast; class of station, broadcast; location, Charleston, South Carolina; operating assignment specified: frequency, 630 kc.; power, 5 kw<sup>1</sup> night, 5 kw. day; hours of operation, unlimited time. Docket No. 6975; file No. B3-P-3752.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the application of WSAV, Inc., Savannah, Georgia (File No. B3-P-3678, Docket No. 6974), on the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate Station WTMA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WTMA and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine the extent of any interference which would result from the proposed operation of Station WTMA to the service of Station CMCD, Havana, Cuba, and whether such proposed operation would be consistent with the North American Regional Broadcasting Agreement.

5. To determine the extent of any interference which would result from the operation of Station WTMA as proposed, to the service of Station CFCO, Chatham, Ontario, Canada, and whether such proposed operation would be consistent with Executive Agreement (Series 136), entitled "Radio Broadcast Arrangement between the United States of America and Canada."

6. To determine whether the proposed operation of Station WTMA would involve objectionable interference with any other existing broadcast stations,

<sup>1</sup> Changes in directional antenna.

and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine the extent of any interference which would result from the simultaneous operation of Station WTMA as proposed, and from the operation of Station WSAV, Savannah, Georgia as proposed in the application (B3-P-3679) of WSAV, Inc. (Docket No. 6974) as well as the areas and populations affected thereby, and the character of other broadcast service available to those areas and populations.

8. To determine whether the proposed operation of Station WTMA would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

9. To determine whether the installation and operation of Station WTMA as proposed would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

10. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

11. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Atlantic Coast Broadcasting Company, 133 Church Street, Charleston, South Carolina.

Dated at Washington, D. C., December 17, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23104; Filed, Dec. 28, 1945;  
11:56 a. m.]

[Docket No. 6963]

WILLIAM L. KLEIN

NOTICE OF HEARING

In re application of William L. Klein (New); date filed, October 4, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Oak Park, Illinois; operating assignment specified: frequency, 1490 kc; power, 250 w; hours of operation, unlimited time. Docket No. 6963; File No. B4-P-4075.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of George A. Ralston and Jerry C. Miller d/b as The Elgin Broadcasting Company (File No. B4-P-3833, Docket No. 6962) and Sidney H. Bliss tr/as Beloit Broadcasting Company (File No. B4-P-4161, Docket No. 6964), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of the proposed station with stations at Beloit, Wisconsin, and Elgin, Illinois, as proposed by Beloit Broadcasting Company (Docket No. 6964) and The Elgin Broadcasting Company (Docket No. 6962), respectively, as well as the areas and populations affected thereby, and other broadcast service available to those areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with service proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and

1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: William L. Klein, 64 East Lake Street (formerly 201 North Wells St.), Chicago, Illinois.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23105; Filed, Dec. 28, 1945;  
11:56 a. m.]

[Docket No. 6962]

ELGIN BROADCASTING CO.

NOTICE OF HEARING

In re application of George A. Ralston and Jerry C. Miller, d/b as the Elgin Broadcasting Company (new), date filed, January 4, 1945, for construction permit; class of service, broadcast; class of station, broadcast; location, Elgin, Illinois; operating assignment specified: Frequency, 1490 kc.; power, 250 w; hours of operation, unlimited. Docket No. 6962; File No. B4-P-3833.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of William L. Klein (File No. B4-P-4075, Docket No. 6963) and Sidney H. Bliss, tr/as Beloit Broadcasting Company (File No. B4-P-4161, Docket No. 6964), on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership, and of its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of the proposed station with stations at Oak Park, Illinois, and Beloit, Wisconsin, as proposed by William L. Klein (Docket No. 6963) and Beloit Broadcasting Company, (Docket No. 6964), respectively, as well as the areas and populations affected thereby, and other broadcast service available to those areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applica-

tions for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: George A. Ralston and Jerry C. Miller d/b as The Elgin Broadcasting Company, Elgin, Illinois.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23106; Filed, Dec. 28, 1945;  
11:56 a. m.]

[Docket No. 6863]

VALDOSTA BROADCASTING CO.

#### NOTICE OF HEARING

In re application of Valdosta Broadcasting Company (new), date filed, October 8, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Valdosta, Georgia; operating assignment specified: frequency, 950 kc; power, 1 kw. N, 5 kw; hours of operation, unlimited time. Docket No. 6863; File No. B3-P-4106.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the application of Hazelwood, Inc., Orlando, Florida (File No. B3-P-3973; Docket No. 6864), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, and of its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the

proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in the pending application of Station WLOF, Orlando, Florida (File B3-P-3973; Docket No. 6864) or in other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Valdosta Broadcasting Company, c/o G. B. Cook, 119 West Central Avenue, Valdosta, Georgia.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23107; Filed, Dec. 28, 1945;  
11:56 a. m.]

[Docket No. 6864]

HAZELWOOD, INC., (WLOF)

#### NOTICE OF HEARING

In re application of Hazelwood, Inc. (WLOF), date filed, September 12, 1945; for construction permit to chg. freq., incr. power, install new transmitter and D. A. for ni. use, and chg. transmr. location; class of service, standard broadcast;

class of station, standard broadcast; location, Orlando, Florida; operating assignment specified: frequency, 950 kc; power, 5 kw N, 5 kw; hours of operation, unlimited time. Docket No. 6864; File No. B3-P-3973.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the application of Valdosta Broadcasting Company, Valdosta, Georgia (File No. B3-P-4106; Docket No. 6863), on the following issues:

1. To determine the technical, financial, and other qualifications of the applicant and of its officers, directors, and stockholders to construct and operate Station WLOF as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WLOF and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operation of Station WLOF would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in the pending application of Valdosta Broadcasting Company, Valdosta, Georgia (File No. B3-P-4106; Docket No. 6863), or in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The Applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Hazelwood, Inc., Angebilt Hotel, Orlando, Florida.

\* Directional antenna for night use.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23108; Filed, Dec. 28, 1945;  
11:56 a. m.]

[Docket No. 6917]

CLEVELAND BROADCASTING INC.

#### NOTICE OF HEARING

In re application of Cleveland Broadcasting Incorporated, date filed, September 24, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Cleveland, Ohio; operating assignment specified: frequency, 1300 kc; power, 5 kw<sup>1</sup>; hours of operation, unlimited time; File No. B2-P-4058.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of Scripps-Howard Radio, Inc., Cleveland, Ohio (File No. B2-P-4118; Docket No. 6916), P. C. Wilson, Canton, Ohio (File No. B2-P-4117; Docket No. 6915), Kentucky Broadcasting Company, Lexington, Kentucky (File No. B2-P-4116; Docket No. 6914), and Walter A. Graham, Tifton, Georgia (File No. B3-P-4059; Docket No. 6918), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein

<sup>1</sup> Directional antenna for day and night use.

would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Cleveland Broadcasting Incorporated, c/o Ray T. Miller, 1708 Union Commerce Building, Cleveland 14, Ohio.

Dated at Washington, D. C., December 17, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23109; Filed, Dec. 28, 1945;  
11:57 a. m.]

[Docket No. 6916]

SCRIPPS-HOWARD RADIO, INC.

#### NOTICE OF HEARING

In re application of Scripps-Howard Radio, Inc. (New), date filed, October 8, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Cleveland, Ohio; operating assignment specified: frequency, 1300 kc; power 5 kw<sup>1</sup> day and night, hours of operation, unlimited time. File No. B2-P-4118.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of Cleveland Broadcasting, Inc., Cleveland, Ohio (File No. B2-P-4058; Docket No. 6917), P. C. Wilson, Canton, Ohio (File No. B2-P-4117; Docket No. 6915), Kentucky Broadcasting Company, Lexington, Kentucky (File No. B2-P-4116; Docket No. 6914), and Walter A. Graham, Tifton, Georgia (File No. B3-P-4059; Docket No. 6918), on the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve ob-

<sup>1</sup> Directive antenna for day and night.

jectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issue by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Scripps-Howard Radio, Inc., % Mortimer C. Watters, 3800 Carew Tower, Cincinnati, Ohio.

Dated at Washington, D. C., December 17, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23110; Filed, Dec. 28, 1945;  
11:57 a. m.]

[Docket No. 6915]

P. C. WILSON

#### NOTICE OF HEARING

In re application of P. C. Wilson (new); date filed, October 8, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Canton, Ohio; operating assignment specified: frequency, 1300 kc; power, 1 kw day; hours of operation, daytime. File No. B2-P-4117.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of Scripps-Howard Radio, Inc., Cleveland, Ohio (File No. B2-P-4118; Docket No. 6916), Cleveland Broadcasting, Inc., Cleveland, Ohio (File No. B2-P-4058; Docket No. 6917), Kentucky Broadcasting Company, Lexington, Kentucky (File No. B2-P-4116; Docket No. 6914), and Walter A. Graham,

Tifton, Georgia (File No. B3-P-4059; Docket No. 6918); on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

P. C. Wilson, 1414 12th Street Northeast, Canton, Ohio.

Dated at Washington, D. C., December 17, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23111; Filed, Dec. 28, 1945; 11:57 a. m.]

[Docket No. 6914]

KENTUCKY BROADCASTING CO.

#### NOTICE OF HEARING

In re application of The Kentucky Broadcasting Company (new); date filed,

October 5, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Lexington, Kentucky; operating assignment specified; Frequency, 1300 kc.; power, 1 kw. N, 1 kw. D.; hours of operation, unlimited time. File No. B2-P-4116.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Scripps-Howard Radio, Inc., Cleveland, Ohio (File No. B2-P-4118; Docket No. 6916), P. C. Wilson, Canton, Ohio (File No. B2-P-4117; Docket No. 6915), Cleveland Broadcasting, Inc., Cleveland, Ohio (File No. B2-P-4058; Docket No. 6917), and Walter A. Graham, Tifton, Georgia (File No. B3-P-4059; Docket No. 6918), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The Applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the

<sup>1</sup> Directional antenna for night use.

Commission's rules of practice and procedure.

The applicant's address is as follows:

Kentucky Broadcasting Company, c/o Philip Ardery, President, Security Trust Company, Lexington, Kentucky.

Dated at Washington, D. C., December 17, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23112; Filed, Dec. 28, 1945; 11:57 a. m.]

[Docket No. 6884]

PATRIOT CO.

#### NOTICE OF HEARING

In re application of The Patriot Company (New); filed, October 2, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Shenandoah, Pennsylvania; operating assignment specified: frequency, 580 kc; power, 5 kw night D. A., 5 kw day; hours of operation, unlimited time. File No. B2-P-4091.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the application of the Crescent Broadcast Corporation, Shenandoah, Pennsylvania (File No. B2-P-4092; Docket No. 6883), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the operation of a station at Shenandoah, Pennsylvania, as proposed by the Crescent Broadcast Corporation, Docket No. 6883, or with services proposed in any other pending application for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of

Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceedings should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

The Patriot Company, 11 North Second Street, Harrisburg, Pennsylvania.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23113; Filed, Dec. 28, 1945;  
11:57 a. m.]

[Docket No. 6883]

CRESCENT BROADCAST CORP.

#### NOTICE OF HEARING

In re application of Crescent Broadcast Corporation (New); filed October 8, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Shenandoah, Pennsylvania; operating assignment specified: frequency, 580 kc; power, 1 kw day; hours of operation, daytime. File No. B2-P-4092.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the application of The Patriot Company, Harrisburg, Pennsylvania ((File No. B2-P-4091) Docket No. 6884), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the operation of a station at Harrisburg, Pennsylvania, as proposed by the Patriot Company (Docket No. 6884), or with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141, and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Crescent Broadcast Corporation, A. Harry Zoog, Vice President, 1017 Public Ledger Bldg., Philadelphia 6, Pennsylvania.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23114; Filed, Dec. 28, 1945;  
11:57 a. m.]

[Docket No. 6942]

PERMIAN BASIN BROADCASTING CO.

#### NOTICE OF HEARING

In re application of Permian Basin Broadcasting Company, (New); date filed, September 27, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Odessa, Texas; operating assignment specified: frequency, 1450 kc; power, 250 w; hours of operation, unlimited time. File No. B3-P-4022.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Wendell Mayes, C. C. Woodson and J. S. McBeath d/b as Odessa Broadcasting Company, Odessa, Texas (File No. B3-P-3901, Docket No. 6943); Ben Nedow d/b as Ector County Broadcasting Co., Odessa, Texas (File No. B3-P-4148, Docket No. 6944); and Dorrance D. Roderick, Odessa, Texas (File No. B3-P-4038, Docket No. 6945), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant and of its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations, affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Permian Basin Broadcasting Company, c/o Mr. James S. Key, 309 North Grant Avenue, Box 686, Odessa, Texas.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23115; Filed, Dec. 28, 1945;  
11:57 a. m.]

[Docket No. 6943]

ODESSA BROADCASTING CO.

#### NOTICE OF HEARING

In re application of Wendell Mayes, C. C. Woodson and J. S. McBeath d/b as Odessa Broadcasting Company (new);

date filed, August 6, 1945; for construction permit; class of service, broadcast; class of station, broadcast; location, Odessa, Texas; operating assignment specified: frequency 1450 kc; power, 250 w; hours of operation, unlimited time. File No. B3-P-3901.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Permian Basin Broadcasting Co., Odessa, Texas (File No. B3-P-4022, Docket No. 6942); Ben Nedow d/b as Ector County Broadcasting Co., Odessa, Texas (File No. B3-P-4148, Docket No. 6944); and Dorrance D. Roderick, Odessa, Texas (File No. B3-P-4038, Docket No. 6945), on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and of its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Wendell Mayes, C. C. Woodson and J. S. McBeath, d.b. as Odessa Broadcasting Company c/o Wendell Mayes, P. O. Box 513, Brownwood, Texas.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23116; Filed, Dec. 28, 1945;  
11:58 a. m.]

[Docket No. 6944]

ECTOR COUNTY BROADCASTING CO.

#### NOTICE OF HEARING

In re application of Ben Nedow d/b as Ector County Broadcasting Company (new); date filed, October 3, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Odessa, Texas; operating assignment specified: frequency 1450 kc; power 250 w; hours of operation, unlimited time. File No. B3-P-4148.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Permian Basin Broadcasting Co., Odessa, Texas (File No. B3-P-4022, Docket No. 6942); Wendell Mayes, C. C. Woodson and J. S. McBeath d/b as Odessa Broadcasting Company, Odessa, Texas (File No. B3-P-3901, Docket No. 6943); and Dorrance D. Roderick, Odessa, Texas (File No. B3-P-4038, Docket No. 6945), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of

Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Ben Nedow, d/b as Ector County Broadcasting Company, 118-120 West 3rd Street, Box 672, Odessa, Texas.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23117; Filed, Dec. 28, 1945;  
11:58 a. m.]

[Docket No. 6945]

DORRANCE D. RODERICK

#### NOTICE OF HEARING

In re application of Dorrance D. Roderick (new); date filed, October 2, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Odessa, Texas; operating assignment specified: frequency 1450 kc; power 250 w; hours of operation, unlimited time. File No. B3-P-4038.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Permian Basin Broadcasting Co., Odessa, Texas (File No. B3-P-4022, Docket No. 6942); Wendell Mayes, C. C. Woodson, and J. S. McBeath d/b as Odessa Broadcasting Company, Odessa, Texas (File No. B3-P-3901, Docket No. 6943); and Ben Nedow d/b as Ector County Broadcasting Company, Odessa, Texas (File No. B3-P-4148, Docket No. 6944), on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Dorrance D. Roderick, 2201 Wyoming Street, El Paso, Texas.

Dated at Washington, D. C., December 18, 1945.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-23118; Filed, Dec. 28, 1945; 11:58 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[SO 108, Amdt. 2 to Special Order 3\*]

#### TEMPORARY ADJUSTMENT OF CERTAIN MAXIMUM AVERAGE PRICES

An opinion accompanying this amendment to Special Order No. 3 under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Special Order No. 3 is amended in the following respects:

1. Section 7 is amended by deleting the exemption prices listed for the following categories and substituting therefor the exemption prices listed below:

\* 10 F.R. 4336, 5995, 6402, 8368, 10200, 12089, 12984.

\* 10 F.R. 11200, 12000.

Category No.:	Exemption price (per dozen)
A-82.....	\$21.37
A-83.....	21.37
A-90.....	16.50
E-69a.....	14.50
E-70a.....	9.00
E-70b.....	11.00
E-78.....	4.50
E-79.....	3.75
E-80a.....	18.50
E-81a.....	14.50
E-110.....	22.00
E-112.....	13.87
F-3.....	42.00
F-4.....	11.50
F-11.....	21.00

2. Section 8 is added to read as follows:

SEC. 8. *Special filing of new maximum average prices.* If you wish to readjust your maximum average price in any category by using the exemption price established for that category by this amendment you must file on or before January 20, 1946 two signed copies of a statement with your OPA District Office showing for each such category the information required by section 5 of this order. In addition, if you delivered during the 3d quarter of 1945, one of the categories listed in this amendment, and if, as a result of this amendment, you wish to correct your quarterly report for that quarter, you may file, together with each copy of this statement, a corrected quarterly report for the 3d quarter of 1945 using your new adjusted maximum average price.

This amendment shall become effective December 28, 1945.

NOTE: All record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 45-23130; Filed, Dec. 28, 1945; 4:41 p. m.]

[MPR 188, Revocation of Order 1052]

#### CERTAIN ARTICLES OF WOOD HOUSEHOLD FURNITURE

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188, It is ordered, That Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188 be and it hereby is revoked.

This order shall become effective on the 28th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 45-23127; Filed, Dec. 28, 1945; 4:42 p. m.]

[2d Rev. MPR 195, Amdt. 1 to Order 13]

#### INDUSTRIAL WOODEN BOXES

##### ADJUSTMENT OF MAXIMUM PRICES

An opinion issued simultaneously herewith has been filed with the Division of the Federal Register.

Order No. 13 under Second Revised Maximum Price Regulation 195 is amended by the addition of a new paragraph (h) at the end thereof.

(h) For a period of thirty days after the effective date of this order any person may elect to sell at prices no higher than those heretofore properly computed and established under the Regulation.

This amendment shall become effective as of December 19, 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 45-23129; Filed, Dec. 28, 1945; 4:41 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1112]

PENNSYLVANIA POWER & LIGHT CO. AND  
SUSQUEHANNA GAS CO.

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of December, A. D. 1945.

Notice is hereby given that a declaration, and amendments thereto, have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Pennsylvania Power & Light Company ("Pennsylvania"). Pennsylvania is an electric and gas subsidiary of National Power & Light Company ("National"), a registered holding company which is in turn a subsidiary of Electric Bond and Share Company, also a registered holding company.

Notice is further given that any interested person may, not later than the 11th day of January 1946, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on said amended declaration, stating the reasons for his request and the nature of his interest, or require that he be notified if the Commission should order a hearing thereon. At any time thereafter said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt the proposed transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th & Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Pennsylvania proposes to make a contribution to the capital of the Susquehanna Gas Company ("Susquehanna"), a wholly-owned subsidiary of Pennsylvania. Pennsylvania caused Susquehanna to be organized on January 14, 1931, for the purpose of constructing a pipe line some 55 miles in length for the transmission of natural gas from the Tioga Field in Tioga County, Pennsylvania to a connection with the local gas distribution system of Pennsyl-

vania which system renders gas service in the City of Williamsport, Lycoming County, Pennsylvania and adjoining territory. The Tioga natural gas field subsequently was exhausted and in November, 1940 Pennsylvania resumed the supply of manufactured gas in Williamsport and adjacent territory. Since the properties of Susquehanna were no longer used or useful in the business of supplying gas, they were either sold or abandoned. All of the funds that had been required by Susquehanna for capital ex-

penditures during the period from December 1, 1930 to December 31, 1933, were advanced by Pennsylvania. The total thus advanced was \$1,248,482, of which Susquehanna has repaid \$697,125. As Susquehanna has ceased operations and now has no assets of any kind it is unable to repay to Pennsylvania the balance of \$551,356 which it owes that company. Pennsylvania, therefore, proposes to forgive said unpaid balance of \$551,356 as a gratuitous contribution to the capital of Susquehanna and to charge off said

unpaid balance to a reserve provided for that purpose, created from income and surplus in 1940.

Pennsylvania has indicated that it considers Section 12 of the Act and Rule U-45 promulgated thereunder as applicable to the proposed transaction.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-23139; Filed, Dec. 29, 1945;  
11:35 a. m.]